



TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1329 Fax: (207) 439-6806

WORKSHOP 6:00 P.M.

The Town Council will meet with the York River Study Committee to received information on the York River Study.

October 24, 2016

Council Chambers

Kittery Town Council
Regular Meeting
7:00 p.m.

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes – 9/13/16 Special Meeting and 10/12/16 Regular Meeting
8. Interviews for the Board of Appeals and Planning
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.
 - a. (100416-1) The Kittery Town Council moves to authorize to proceed with the Access Control System CIP funding, by selecting one of the three proposed options provided.
 - b. (100416-2) The Kittery Town Council moves to approve the acceptance of High Point Circle as a public road.
10. PUBLIC HEARINGS
11. DISCUSSION
 - a. Discussion by members of the public (three minutes per person)
 - b. Response to public comment directed to a particular Councilor
 - c. Chairperson's response to public comments
12. UNFINISHED BUSINESS
13. NEW BUSINESS
 - a. Donations/gifts received for Council disposition

b. (100416-3) The Kittery Town Council moves to approve the disbursement warrants.

c. (100416-4) The Kittery Town Council moves to approve an application from Central Maine Power and Fairpoint NH for a pole permit to replace one pole starting at Box 43.4 Roseberry Lane in a northerly direction a distance of 145'.

d. (100416-5) The Kittery Town Council moves to approve an application from FairPoint Communications-NNE and Central Maine Power Company for a pole permit to replace one pole 1753/3 and two existing poles 1743/4 and 1743/2 located on Gray Lodge Road.

e. (100416-6) The Kittery Town Council moves to approve an application from FairPoint Communications-NNE and Central Maine Power for a pole permit to replace one pole 227/3.5 and two existing poles 227/3 and 227/4 located on Picott Road.

f. (100416-7) The Kittery Town Council moves to appoint a representative to meet with a member of the Mary Safford Wildes Trust to interview A. David Mann for his re-appointment to that board until 12/31/19.

g. (100416-8) The Kittery Town Council moves to authorize ReVision Energy to put 18' x 24" lawn signs on public property in the Town of Kittery to promote the Solarize Seacoast Maine Campaign that runs from August 2016 through December 2016.

h. (100416-9) The Kittery Town Council moves to rescind the 2011 Memorandum of Understanding between the Town and the Kittery Port Authority.

i. (100416-10) The Kittery Town Council moves to schedule a public hearing on November 14, 2016 on a multi-year contract with MSDSONline.

j. (100416-11) The Kittery Town Council moves to appoint George Dow to the Parks Commission as an associate member until 12/31/19.

k. (100416-12) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Parks Commission to interview Kristina DeMarco for her re-appointment to that board until 12/31/19.

l. (100416-13) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Parks Commission to interview Denise Payne for her re-appointment to that board until 12/31/19.

m. (100416-14) The Kittery Town Council moves to discuss the 2015 Sewer Project Easements.

n. (100416-15) The Kittery Town Council moves to authorize the Dance Annex Studio to post 8 promotional lawn signs (18'x24") at various locations throughout town the beginning of November through November 27th to promote their upcoming ballet production.

14. COUNCILOR ISSUES OR COMMENTS

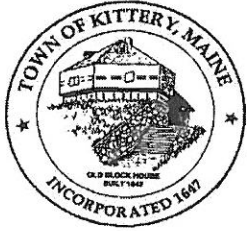
15. COMMITTEE AND OTHER REPORTS

- a. Communications from the Chairperson
- b. Committee Reports

16. EXECUTIVE SESSION

(100416-14) The Kittery Town Council moves to go in to executive session with the Town Manager and Carol Granfield in accordance with M.R.S. §405 (6) (C) to discuss a land acquisition.

17. ADJOURNMENT



TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1329 Fax: 207-439-6806

cgranfield@kitteryme.org

Carol M. Granfield
Interim Town Manager

Town Manager's Report to the Town Council October 19, 2016

1. **Interim Town Manager** – It has truly been my pleasure to serve the Town as its Interim Town Manager since mid-March over the past seven months. During this time I have worked with an extremely dedicated Town Council that has the best interests of the citizens as a number one priority. I have participated with the Councilors assisting them with becoming a more cohesive group; I also have worked on a daily basis with a very professional group of Department Heads working in a team approach to problem solve town issues, and a very talented group of town employees who are the most important asset of the town. In addition to working towards more consistency with town operations and procedures, some highlights over the months include: developing and having a conservative budget adopted that meets the needs for providing excellent town services; hiring the key department heads of a Police Chief and Commissioner of Public Works; moving forth successfully with the Wood Island Life Saving Renovation project; working with partnerships to address traffic and parking issues and reaching out to the community; the time-consuming sewer assessment program that involved development and implementation of an improved system to meet the needs of both the community and the town; responding to citizen issues and providing leadership in the management of the daily operation of town government. I hope that as a result of my experience and assistance, Kittery has gained some improvements and is ready to move forth under the capable leadership of its new Town Manager. Kendra Amaral and I wish her much success. I will miss the community and people, as I believe Kittery is a real hidden gem in the state of Maine.
2. **Sewer Betterment Assessments** – Letters will be sent to individuals who have not yet either paid the assessment or agreed to a payment plan on November 1 further explaining the time deadlines, connection deferral options, billing information and other relevant information. The Town will begin accepting requests for deferral of the 90-day mandatory connection starting on November 15.
3. **Traffic** – As a result of some recent and continued concerns expressed relating to several areas in the town experiencing traffic and speed issues in varied areas of town, I have been assured by the Police Chief that the department will address those areas with speed enforcement as well as using the radar trailer. Additionally, the department is purchasing a pole-mounted radar unit that not only determines speed, but number of cars, time of day and other factors. This data can be accessed remotely and put into a spreadsheet that is easily read.
4. **Rice Public Library** – The library needs gently used or new bubble wrap to protect library materials while in transit for Minerva-Inter library loan. Please drop off at the rice circulation desk or in the library book return. It will be greatly appreciated.
5. **Neighborhood Network Information** - This organization provides a wide variety of assistance and resources for the seniors in communities in York County. Information has been available the past few months on Channel 22 and is in the process of being linked to the Town's website as a resource.

6. **Channel 22** – We have been in the process of working with the KCC regarding space available to house the station and are moving forth with quotes to move forth with design of the space. Once the studio is in place it will provide many opportunities to expand programs.
7. **Cemetery Project** – An intern is beginning to work on consolidating and evaluating all of the information the town now has associated with the many cemeteries in town. The Town does not own any cemeteries, however provides some maintenance on a limited number as a result of some trusts.
8. **Swamp Fill on 236 Boatyard** – Research of the complaints pertaining to filling in the boatyard property on Route 236 has revealed that the DEP and Code enforcement from Kittery reviewed the complaints and the owner had a DEP permit to fill to designated markings on his property and the owner was found to be in compliance with his permit, thus no charged were levied against him
9. **8 Steven Road Issue** – In response to issues associated with the property, the Sewer Department has requested the contractor to regrade the front of the property to divert the water run off away from the drive. A problem occurs when the postal services makes ruts which creates a ditch and diverts it back to the driveway. In order to prevent this, it was suggested to the property owner to put grade stakes with ribbons.

Respectfully Submitted,

Carol

Carol M. Granfield

1. Call to Order

Chairperson Beers called the meeting to order at 5:00 p.m.

2. Introductory

Chairperson Beers read the introductory.

3. Roll Call

Answering the roll call were Chairperson Gary Beers, Vice Chairperson Charles Denault, Councilors Russell White, Jeffrey Thomson, Judith Spiller, Kenneth Lemont.

Also present was Carol Granfield, Interim Town Manager; Eaton Peabody Consultants

Councilor Lemont left the meeting at 5:00pm.

4. EXECUTIVE SESSION

a. (090216-1) The Kittery Town Council moves to go in to executive session with representatives from Eaton Peabody Consulting Group and the Town Manager in accordance with 1 M.R.S §405 (6) (A) to discuss a personnel matter.

A MOTION WAS MADE BY COUNCILOR DENAULT TO GO IN TO EXECUTIVE SESSION WITH REPRESENTATIVES FROM EATON PEABODY CONSULTING GROUP AND THE TOWN MANAGER IN ACCORDANCE WITH 1 M.R.S §405 (6) (A) TO DISCUSS A PERSONNEL MATTER. SECONDED BY COUNCILOR WHITE. THE MOTION PASSED BY UNANIMOUS ROLL CALL VOTE 5/0/0.

A MOTION WAS MADE BY COUNCILOR THOMSON TO COME OUT OF EXECUTIVE SESSION AT 5:51PM. SECONDED BY COUNCILOR DENAULT. THE MOTION PASSED BY UNANIMOUS ROLL CALL VOTE 5/0/0.

5. ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR THOMSON TO ADJOURN THE MEETING AT 5:51PM. SECONDED BY COUNCILOR DENAULT. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 5/0/0.

Submitted by Gary Beers, Chairperson, on September 14, 2016.

1. Call to Order

Chairperson Beers called the meeting to order at 7:01 p.m.

2. Introductory

Chairperson Beers read the introductory.

3. Pledge of Allegiance

Chairperson Beers led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll call were Chairperson Gary Beers, Councilors Frank Dennett, Russell White, Kenneth Lemont, Charles Denault and Judith Spiller.

Councilor Thomson joined the meeting at 7:10 p.m.

5. Agenda Amendment and Adoption

Chairperson Beers requested to withdraw Item 13k since the Commissioner has communicated it will be compiled into an upcoming presentation at a later date.

Agenda was adopted, as amended.

6. Town Manager's Report

Town Manager Granfield reviewed her written report.

Sewer Betterment Assessments – Four income deferrals and 14 septic deferrals have been processed to date and several appointments were scheduled for the upcoming week. To alleviate any possible confusion, letters will be sent by mail on November 1st to property owners that have not yet responded with their payment terms. Appointments can be made with the Town Manager after Nov 15th for those requesting deferral of connection. It is too early to determine if connection cannot be made. The connection requirement deferral is due to unforeseen circumstances that prevent completion within the timeframe and the Town Manager can grant an extension. The electronic payment system is currently being set up to accept automatic payments. The billings will not commence until March 2017, which is the beginning of the quarter.

Police Department Fundraiser – Police Chief James Soucy introduced a new fundraiser to York County, which he participated in at the Manchester, NH Police Department that has several officers growing beards for the month of October. It is called Beards for Bucks: Razor-less for a Reason in York County, which raises money for the emerging Children's Advocacy Center of York County. The center is expected to open in the spring of 2017.

Finance Director – Ms. Cindy Saklad's last day is October 13, 2016. Maura Halkiotis will be Interim Finance Director and in Town Hall on Tuesdays and Thursdays.

34 **Capital Improvement Plan (CIP)** – The Capital Improvement Program will be starting soon
35 and the new Town Manager will lead this effort in the Fall.

36 **Front Counter Closing** – The front counter payment center will be closed on Tuesday, October
37 20th from 1:45pm to 4:15pm. Staff will be attending training during that time.

38 The front counter payment center will also be closed on Tuesday, November 8th for staff to assist
39 with running the voting booths.

40 **Employee Recognition Programs** – Town Manager Granfield explained the requirements
41 necessary to achieve the Employee of the Quarter Awards. She highlighted each award
42 recipient's achievements and Chairperson Beers presented a certificate to the following
43 individuals:

- 44 • Kathleen Rich (Town Hall)
- 45 • Jessica Labbe (Kittery Community Center)
- 46 • Jimmy Nightingale (Department of Public Works)
- 47 • Matthew Connolly (Wastewater Treatment Plant)

48 Chairperson Beers added that each Police Officer pledged an initial donation of \$25 to
49 participate in the Beards for Bucks fundraiser.

50 7. Acceptance of Previous Minutes

51 Special Meeting – September 22, 2016

52 Councilor Dennett noted that Councilor Lemont was present for the meeting, but not indicated in
53 the roll call.

54 The minutes were adopted, as amended.

55 Special Meeting – October 3, 2016

56 Councilor Dennett noted that Councilor Lemont was present for the meeting, but not indicated in
57 the roll call.

58 The minutes were adopted, as amended.

59 Regular Meeting – September 26, 2016

60 Line 44 – replace “Rachael” with “Rachel”

61 The minutes were adopted, as amended.

62 Special Meeting – September 19, 2016

63 The minutes were adopted, as presented.

64 8. Interviews for the Board of Appeals and Planning – None.

65 9. All items involving the town attorney, town engineers, town employees or other town
66 consultants or requested officials. – None.

67 10. PUBLIC HEARINGS – None.

68 11. DISCUSSION

69 a. Discussion by members of the public (three minutes per person)

70 No members of the public rose to speak.

71 b. Response to public comment directed to a particular Councilor – None.

72 c. Chairperson's response to public comments – None.

73 12. UNFINISHED BUSINESS – None.

74 13. NEW BUSINESS

75 a. Donations/gifts received for Council disposition – None.

76 b. (100216-1) The Kittery Town Council moves to approve the disbursement warrants.

77 Town accounts payable of \$1,847,901.50.

78 Town accounts payable of \$13,923.70.

79 Sewer account payable of \$16,599.11.

80 School accounts payable of \$346,373.04.

81 Total of all disbursement warrants of \$2,224,797.35.

82

83 **A MOTION WAS MADE BY COUNCILOR SPILLER TO APPROVE THE**
84 **DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR THOMSON.**

85 Councilor Dennett stated that the Town and Sewer warrants are in order. Councilor Lemont that
86 the School warrants are in order.

87 **THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 7/0/0.**

88 c. (100216-2) The Kittery Town Council moves to authorize the 2017 Project Graduation
89 Committee to hold a tollbooth at the Resource Recovery Facility on October 15, 2016, from 9:00
90 a.m. to 5:00 p.m. for a fundraiser for Project Graduation.

91 **A MOTION WAS MADE BY COUNCILOR SPILLER TO AUTHORIZE THE 2017**
92 **PROJECT GRADUATION COMMITTEE TO HOLD A TOLL BOOTH AT THE**
93 **RESOURCE RECOVERY FACILITY ON OCTOBER 15, 2016, FROM 9:00 A.M. TO**
94 **5:00 P.M. FOR A FUND RAISER FOR PROJECT GRADUATION, SECONDED BY**
95 **COUNCILOR WHITE. THE MOTION PASSED BY A UNANIMOUS ROLL CALL**
96 **VOTE 7/0/0.**

97 d. (100216-3) The Kittery Town Council moves to approve a renewal application from
98 Divine Cuisines LLC, 20 Walker Street, Kittery for a Malt, Spirituous and Vinous Liquor
99 License for Tulsi Indian Restaurant, 20 Walker Street.

100 **A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE A RENEWAL**
101 **APPLICATION FROM DIVINE CUISINES LLC, 20 WALKER STREET, KITTERY**
102 **FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR TULSI INDIAN**
103 **RESTAURANT, 20 WALKER STREET, SECONDED BY COUNCILOR SPILLER. THE**
104 **MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

105 e. (100216-4) The Kittery Town Council moves to approve a renewal application from
106 Black Birch, Inc., 2 Government Street, Kittery for a Malt, Spirituous and Vinous Liquor

107 License for The Black Birch, 2 Government Street.

108 **A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE A RENEWAL**
109 **APPLICATION FROM BLACK BIRCH, INC., 2 GOVERNMENT STREET, KITTERY**
110 **FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR THE BLACK**
111 **BIRCH, 2 GOVERNMENT STREET, SECONDED BY COUNCILOR WHITE. THE**
112 **MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

113 f. (100216-5) The Kittery Town Council moves to approve a renewal application from
114 Rolling In The Mud, 460 US Route 1, Kittery for a Malt, Spirituous and Vinous Liquor License
115 for When Pigs Fly Pizzeria, 460 US Route 1.

116 **A MOTION WAS MADE BY COUNCILOR SPILLER TO APPROVE A RENEWAL**
117 **APPLICATION FROM ROLLING IN THE MUD, 460 US ROUTE 1, KITTERY FOR A**
118 **MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR WHEN PIGS FLY**
119 **PIZZERIA, 460 US ROUTE 1, SECONDED BY COUNCILOR THOMSON. THE**
120 **MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

121 g. (100216-6) The Kittery Town Council moves to approve a renewal application from
122 Clifford Elements LLC, 99 B High Street, Sanford, ME, for a Malt and Vinous Liquor License
123 for Bills Original Kitchen, 1 Government Street.

124 **A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE A RENEWAL**
125 **APPLICATION FROM CLIFFORD ELEMENTS LLC, 99 B HIGH STREET,**
126 **SANFORD, ME, FOR A MALT AND VINOUS LIQUOR LICENSE FOR BILLS**
127 **ORIGINAL KITCHEN, 1 GOVERNMENT STREET, SECONDED BY COUNCILOR**
128 **WHITE. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

129 h. (100216-7) The Kittery Town Council moves to establish the Holiday Parade as a
130 town event, sponsored by the Kiwanis Club of the Seacoast, to be held on Saturday, December 3,
131 2016 at 3:00 p.m.

132 **A MOTION WAS MADE BY COUNCILOR SPILLER TO ESTABLISH THE HOLIDAY**
133 **PARADE AS A TOWN EVENT, SPONSORED BY THE KIWANIS CLUB OF THE**
134 **SEACOAST, TO BE HELD ON SATURDAY, DECEMBER 3, 2016 AT 3:00 P.M,**
135 **SECONDED BY COUNCILOR THOMSON. THE MOTION PASSED BY A**
136 **UNANIMOUS ROLL CALL VOTE 7/0/0.**

137 i. (100216-8) The Kittery Town Council moves to schedule a date for Sewer Assessment
138 Hearings.

139 The Council scheduled the Sewer Assessment Hearings for Tuesday, October 25, 2016 at
140 6:00pm in Council Chambers. No further action was required.

141 j. (100216-9) The Kittery Town Council, pursuant to 30-A, M.R.S. §3443 and Town
142 Code §13.2.1, Arbitration Appeal of Assessment, moves to nominate six persons who are
143 residents of the municipality to serve as independent arbitration panel members for the 2015
144 Sewer Assessment obligation, as follows: William Peirce, Marissa Day, Craig Wilson, Jeff
145 Brake, Vern Gardner, and Shawn Harris.

146 **A MOTION WAS MADE BY VICE CHAIRPERSON DENAULT TO NOMINATE SIX**
147 **PERSONS WHO ARE RESIDENTS OF THE MUNICIPALITY TO SERVE AS**
148 **INDEPENDENT ARBITRATION PANEL MEMBERS FOR THE 2015 SEWER**
149 **ASSESSMENT OBLIGATION, AS FOLLOWS: WILLIAM PEIRCE, MARISSA DAY,**
150 **CRAIG WILSON, JEFF BRAKE, VERN GARDNER, AND SHAWN HARRIS, WITH**
151 **GRATITUDE, SECONDED BY COUNCILOR WHITE.**

152 Maryann Place, Town Clerk, replied to Councilor Dennett's question that both applicants,
153 Marissa Day and Shawn Harris, will be sent copies of the three sets of documentation for the
154 hearings via e-mail.

155 Councilor Dennett expressed minor concern that only one out of six citizens' properties are
156 serviced by Town sewer.

157 **THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

158 14. COUNCILOR ISSUES OR COMMENTS

159 Chairperson Beers praised Charlie Simpson, Ed McAbee, and Mike Lee for hiking a 110-mile
160 trek to raise awareness and money for Fair Tide, a non-profit organization that provides
161 transitional housing and support services. The individuals raised \$11,984, nearly \$2,000 above
162 their goal of \$10,000.

163 Chairperson Beers replied to Councilor Dennett's query that Town Manager Granfield's last
164 regular meeting will be on October 24, 2016. Ms. Amaral will be present for that meeting.

165 Councilor Thomson asked for the status on the suggestions made by the auditor for the
166 accounting changes related to the Assessment collections. Town Manager Granfield replied that
167 the auditor and the TIF individual are still gathering information and are expected to have
168 another meeting soon.

169 Councilor Thomson asked for the status of the amendments to Title 2. Town Manager Granfield
170 replied that upon further review, there were several changes from other departments that still
171 need to be refined. It was thought that it will continue to move forward with the new Town
172 Manager.

173 Councilor Thomson asked if information about the Neighborhood Network could be posted on
174 the Town and Kittery Community Center websites. Town Manager Granfield explained that staff
175 is currently working to update the website and have yet to make any new changes, but it will be
176 considered in the future.

177 Councilor Thomson expressed concerns raised regarding the conduct of the Port Authority
178 meeting on October 6, 2016. The vote on the motion to go into executive session was not a roll
179 call and adjournment of the meeting occurred in that session.

180 Councilor Thomson asked for further clarification of Vice Chairperson Denault's statement
181 made at Candidate's Night that some councilors at times do not prepare for meetings. Vice
182 Chairperson Denault replied that the statement was made in reference to a time period when
183 there were different councilors than today and before agenda materials were made available
184 online.

185 Vice Chairperson Denault stated that a citizen submitted a check in full for their sewer
186 betterment assessment about one month ago and it has still not been cashed.

187 Vice Chairperson Denault noted his observations that a swampland on Route 236 shows
188 evidence of being filled.

189 Vice Chairperson Denault provided a brief update of the efforts to mitigate drainage issues at 6
190 Stevenson Road. The road was repaved and the shoulder was filled with loam, however, it
191 continues to experience issues with proper drainage. He asked if Mr. Kathios would follow up
192 with the situation.

193 Vice Chairperson Denault stated there have been complaints received about the Spruce Creek
194 Bridge. Besides the littered sidewalks from fishing activity, there have been complaints made
195 regarding the fisherman directing boats to travel on the other side of the bridge. He suggested
196 that a red zone in the middle of the bridge could be delineated to help separate the boating traffic
197 from the fishing activity.

198 Chairperson Beers replied to Vice Chairperson Denault's question that the Fort Foster passes for
199 seniors will be discussed in the upcoming Council workshop on Monday, October 17th.

200 Vice Chairperson Denault encouraged all to donate to the End 68 Days of Hunger non-profit
201 organization by leaving a canned good or non-perishable item at the entrance of Town Hall.

202 Councilor Spiller observed exceeding speeds at the Wyman Avenue from the PNSY traffic and
203 asked whether a patrol officer could closely monitor that area. Chairperson Beers echoed that
204 statement.

205 Councilor Lemont commended Town Manager Granfield for all her efforts.

206 Councilor Lemont noted that the State has been working toward a resolution to address the
207 vehicle speeds on Rte. 103.

208 Councilor Lemont mentioned that the Port Authority considered discontinuing the working
209 group and had recommendations for Council.

210 Councilor Lemont received various complaints regarding the PNSY traffic on Rogers Road.

211 Councilor Thomson added that the PNSY traffic should continue to be a major issue until the
212 new SML Bridge opens next September. He expressed concerns for the high speeds he has
213 observed. Chairperson Beers suggested having police monitor speeds by radar.

214 15. COMMITTEE AND OTHER REPORTS

215 a. Communications from the Chairperson

216 The Kittery Port Authority on October 6, 2016 requested Council to consider rescission of the
217 MOU established in 2011. It will be put forth on the October 24, 2016 agenda. They concluded
218 that they do not wish to continue the Port Authority-Council working group and request the
219 opportunity to meet quarterly on an as-needed basis with an agenda developed by both Chairs. A
220 workshop is scheduled for October 20, 2016 at 6:00 p.m. to consider a draft intergovernmental
221 MOA regarding the position of the Harbormaster and the Town. Water use fees will also be

222 discussed.

223 The Council will hold a workshop with the Parks Commission on Monday, October 17, 2016 at
224 6:00 p.m. to discuss park fees.

225 b. Committee Reports – None.

226 16. ADJOURNMENT

227 **A MOTION WAS MADE BY COUNCILOR THOMSON TO ADJOURN THE MEETING**
228 **AT 7:46 P.M., SECONDED BY CHAIRPERSON BEERS. THE MOTION PASSED BY A**
229 **UNANIMOUS VOICE VOTE 7/0/0.**

230 Submitted by Marissa Day, Minutes Recorder, on October 17, 2016.

231 *Disclaimer: The following minutes constitute the author's understanding of the meeting. While*
232 *every effort has been made to ensure the accuracy of the information the minutes are not intended*
233 *as a verbatim transcript of comments at the meeting, but a summary of the discussion and*
234 *actions that took place. For complete details, please refer to the video of the meeting on the*
235 *Town of Kittery website at <http://www.townhallstreams.com/locations/kittery-maine>.*



Town of Kittery, Maine

Fire Department

3 Gorges Road
Kittery, Maine 03904
Tel (207) 439-2262

Chief David O'Brien
firechief@kitteryme.org

REPORT TO TOWN COUNCIL

Meeting Date: 12 October 2016

From: David W. O'Brien, Fire Chief/Project Manager

Subject: Access Control System Funding

Councilor Sponsor: Chairperson Gary Beers

EXECUTIVE SUMMARY

The FY-17 Capital Improvement Plan (CIP) includes a line item for access control system installation in four town buildings. The CIP Committee allocated \$50,000 for FY-17 and an additional \$35,000 in the FY-18 CIP plan. These estimates were based on early non-formal estimates from a specific vendor the town has used for previous work in the School Department. Request for proposals (RFP) were solicited and proposals/bids received based on a two year project to complete all four buildings. The lowest bidders, ENE Systems of New Hampshire, proposal is for \$48,005 to complete the installation to the written specifications for all four buildings. The scope of work has been amended since the original issue of the RFP where seven interior doors in Town Hall have been added for installation. ENE Systems of New Hampshire has provided a contract price of \$19,800 to complete the additional work. The total contract price including the additional seven doors is \$67,805. The Project Manager requests funding in the amount of \$17,805 to complete this project during this fiscal year.

STATEMENT OF NEED

The proposal/bid received of \$48,005 from ENE Systems of New Hampshire allows the town to complete a two year scheduled project in a one year time frame except for the seven interior doors added after the RFP was issued. In fact, the proposal/bid is \$1,995 less than the funding allocated in the FY-17 CIP and \$36,995 less than the total amount allocated over two years. The addition of the seven interior doors is logical based on the needs identified by Interim Town Manager Carol Granfield. With the cost of the project being significantly under the budgeted CIP amount it makes sense to issue a one-time contract with ENE Systems of New Hampshire for the contract price of \$67,805. This will ensure all four buildings are completed in a timely

manner and not having the contractor re-enter Town Hall which will cause disruptions from additional work at a later time.

BACKGROUND

The need to control access to four of our town buildings has been discussed for several years. The Community Center and all three schools have access control systems (keyless entry) which provide a level of safety and security not presently provided by keyed systems. The Fire Chief wrote a CIP request for FY-17 to add access control systems to both fire stations, Town Hall, and Public Work main campus buildings. The CIP committee recognized the need and supported the proposed project with a two year funding formula totaling \$85,000. An RFP was issued on 17 August 2016 and formal bids received on 14 September 2016. ENE Systems of New Hampshire submitted the low bid of \$48,005 to provide the hardware and software to complete the nineteen doors in the original proposal. A review of their proposal and a meeting to discuss all aspects of the project was held with the low bidder to ensure capabilities and their ability to complete the project to the written specifications. Since this meeting seven interior doors at Town Hall have been added to the project. ENE Systems of New Hampshire was asked to provide a quote to include the additional doors. Their bid of \$19,800 is well within the project estimates and specification parameters.

FACTS BEARING ON THE EQUATION

1. Original proposal/bid	= \$48,005
2. Additional seven door estimate	= <u>\$19,800</u>
3. Total cost of project	= \$67,805
4. CIP allocation FY-17	= \$50,000
5. CIP allocation FY-18	= <u>\$35,000</u>
6. Total CIP allocation	= \$85,000
7. Cost over one year CIP allocation	= \$17,805
8. Cost under two year CIP allocation	= \$17,195

CURRENT SITUATION

The town has received a very favorable proposal/bid to install access control systems in four town owned buildings. The proposal/bid is under the allocated FY-17 CIP budgeted amount and supports complete installation to all four buildings this year vice two this year and two next fiscal year. Town Hall has requested access control systems to an additional seven interior doors resulting in an increase to the original proposal/bid. In order to complete the project in a single fiscal year as recommended by the project manager additional money must be allocated. The Project Manager is requesting an additional \$17,805 be allocated to support a one year project completion.

PROPOSED SOLUTION/RECOMMENDATION

As stated in the FACTS BEARING ON THE EQUATION paragraph the total cost of the project with the seven interior doors added is \$67,805. With only \$50,000 currently allocated in FY-17 CIP, an additional \$17,805 will need to be added during this fiscal year to complete the project as recommended by the Project Manager. Discussion with the Town Manager and the Finance Director, Cindy Saklad, have led to the following solutions/recommendations:

1. Over spend the FY-17 CIP budget by \$17,805. This will show as an over-expenditure to account number 4117, Access Control Systems (Keyless Entry).
2. Transfer \$17,805 from CIP Roof Account, 4027 to Access Control Systems (keyless entry). Account 4027 currently has a \$180,000 balance.
3. Adjust FY-18 CIP line item for Access Control Systems (Keyless Entry) to \$17,805 vice \$35,000 and transfer if necessary this money in FY-18 back to the appropriate account.

RATIONAL FOR THE PROPOSED SOLUTION (INCLUDING COSTS)

The need for access control systems is clear, the way to fund them was developed based on a two year plan with an estimate of \$85,000. Fortunately, the proposal/bid was significantly lower than expected resulting in a cost to complete the entire project including the additional seven interior doors of \$67,805. This is a savings of \$17,195 under the original estimate and subsequently funded by CIP. Completing the project in one year limits the amount of disruption to our employees and town buildings and ensures a higher level of security to all buildings quickly. Completing the project this year also ensures inflationary costs of products and labor will not affect the overall cost of the project.



TOWN OF KITTERY
200 Rogers Road, Kittery, ME 03904
Telephone: 207-475-1329 Fax: 207-439-6806

REPORT TO TOWN COUNCIL

Meeting Date: Monday, October 24, 2016
From: Chris Di Matteo, Town Planner
Subject: Petition for Street Acceptance; between Highpoint Circle and Kittree Lane
Councilor Sponsor: Gary Beers, Town Council Chair

EXECUTIVE SUMMARY

In 2008 Operation Blessing received approval for a three lot subdivision that included the construction of a street between Highpoint Circle (a public street) and Kittree Lane (a private street). In 2012, without a street name approved and a recent home construction ready for occupancy, the Tax Assessor named the street Kittree Lane. In addition to the legal implications of associating a residence to a private street it never belonged to, the house numbering of the recent homes in this area is often confused with similar house numbers on Highpoint Circle.

STATEMENT OF NEED

As allowed under Title 16.8.5 Acceptance of Streets and Ways, the Town Council is to accept a private street located south of the terminus of Kittree Lane as a public street and include it as part of the existing public street Highpoint Circle.

BACKGROUND

- a. In 2003 Highpoint Estates subdivision was approved that included a secondary collector street with twelve lots.
- b. In 2008 Beatrice Way subdivision was approved that included a minor street between Highpoint Circle and Kittree Lane (Subject Street) with three lots (see attached locus map). It was never formally named and in 2012, the Tax Assessor named the street Kittree Lane to accommodate a recent single-family house ready for occupancy (14 Kittree Lane Map 61 Lot 8F). Sometime after this point and to the present, frustrations from property owners of 10, 12 and 14 Kittree Lane have been expressed to the Town regarding mail and deliveries being mixed-up with 10, 12, and 14 Highpoint Circle and fears that similar confusion during emergency calls might happen.
- c. In late 2009 Highpoint Circle was accepted as a public street.
- d. In late 2012 the subject street was completed and constructed substantially to the approved plans.
- e. In 2014 the second of the three lots approved in 2008 was developed with a single family house. (12 Kittree Lane Map 61 Lot 8E).
- f. September 8, 2016 OB's remaining land accessed from the subject street was approved for a five lot subdivision which includes two existing duplexes (accessed from Old Farm Road) for a total of seven dwellings.

PETITION FOR ACCEPTANCE FOR A PUBLIC STREET

As required under Title 16.8.5.1.3 the applicant (attached), Operation Blessing, Limited Partnership (OB), submitted as part of their recent subdivision plan review a petition for the acceptance of the roadway that was approved as part of their 2008 three-lot subdivision. The following is a summary of the requirements of the petition:

1. Property deed at the time of acceptance.
OB has submitted draft descriptions to be incorporated in a property deed that is forthcoming if the Town Council supports accepting the subject street. See Attachment 1 as part of the submitted petition. The current deed for Highpointe Circle has been attached for the Council's reference (Att. 1A).
2. Maine Certified Engineers Report.
The town's peer-review engineer was on site and observed the construction and completion of the subject street. See Attachment 2 as part of OB's submitted petition for a report. Also included is an email from CMA that provides a summary as to what 2008 standards have been met (Att. 2-A). Further, the 2008 Street Standards are attached for Council's reference (Att. 2-B).
3. As-Built Plan, Profile and Cross-section.
OB submitted the approved Beatrice Way Subdivision plans which per CMA were substantially adhered to with the exception of minor deviations to road base where ledge was encountered. See OB's Attachment 3 for plan, profile and cross-section and Attachment 4 for final recorded 2008 subdivision plan. Note, these plans have been annotated by OB to identify where the extent of the subject street ends at Kittree Lane.
4. Public Works Commissioner's Report.
Attached is a memorandum from Dave Rich, Commissioner of Public Works, dated October 13, 2016. The Commissioner recommends not to accept the subject street based on previous correspondence from former commissioner Rick Rossiter and the current staffing and operating budget does not support additional roadway maintenance at this time.
5. Planning Board Recommendation.
On July 28, 2016 the Planning Board recommended the Town Council accept the subject street as a public street. The attached minutes reflect the following motion:
Ms. Kalmar made a motion to approve the name as Highpointe Circle for the 2008 roadway section and recommend to Town Council that it be accepted as a Town road with waivers to exclude sidewalks and include proper signage should the roadway be accepted.
Mr. Dunkelberger seconded.
Motion passed 5-0-0.
During the course of the subdivision review for OB's most recent development plans (a five-lot subdivision on the remaining 57 acres and referred to Quiet Pine Lane), the Board determined that sidewalks should not be required and considering the implications of the street naming and constraints on Kittree Lane, the subject street should be accepted and become part of Highpointe Circle.
6. Street ROW Plan to be recorded.
OB has submitted an annotated copy of the Subdivision Plan approved in 2008 and is the basis of a final Street ROW Plan that is required to be prepared and recorded. As with the deed OB is requesting that support of the street acceptance is clear prior to preparing the required plan.

FACTS BEARING ON THE EQUATION

Title 16.8.3.1 Names requires "Streets which join or are in alignment with streets of abutting or neighboring properties must bear the same name." Since the subject street is not legally part of Kittree Lane nor can Kittree Lane support the additional residences, the subject street needs to be named Highpointe Circle and this can only be achieved by being incorporated into Highpointe Circle which is a public street. The latter is only achieved through the acceptance of a public street.

CURRENT SITUATION (STATUS WITH TOWN COUNCIL)

Council approval is required for the request.

The Commissioner of Public Works and Planning Board differ in their recommendations to Council. Beyond the general reluctance by the Commissioner to add public streets due to added maintenance concerns, the subject street was not constructed to town standards the previous Commissioner, Rick Rossiter, recommended to the Board at the time the 2008 Beatrice Lane Subdivision was approved. The primary deficiencies is curb/sidewalks and 5-foot shoulders, where the subject street has only 3-foot shoulders. In addition, the subject street includes a 50-foot ROW where a 60-foot (current standards) would benefit any future changes.

Town Council needs to determine if the subject street needs be brought up to the standards Rick Rossiter in 2008 recommended or are there alternatives that are amenable. A 60-foot ROW with street upgraded with 5-foot shoulders may be amendable to the Commissioner.

Operation Blessing is seeking some assurance that the Council supports the idea of accepting the subject street prior to spending the resources on completing the required documents.

PROPOSED SOLUTION/RECOMMENDATION

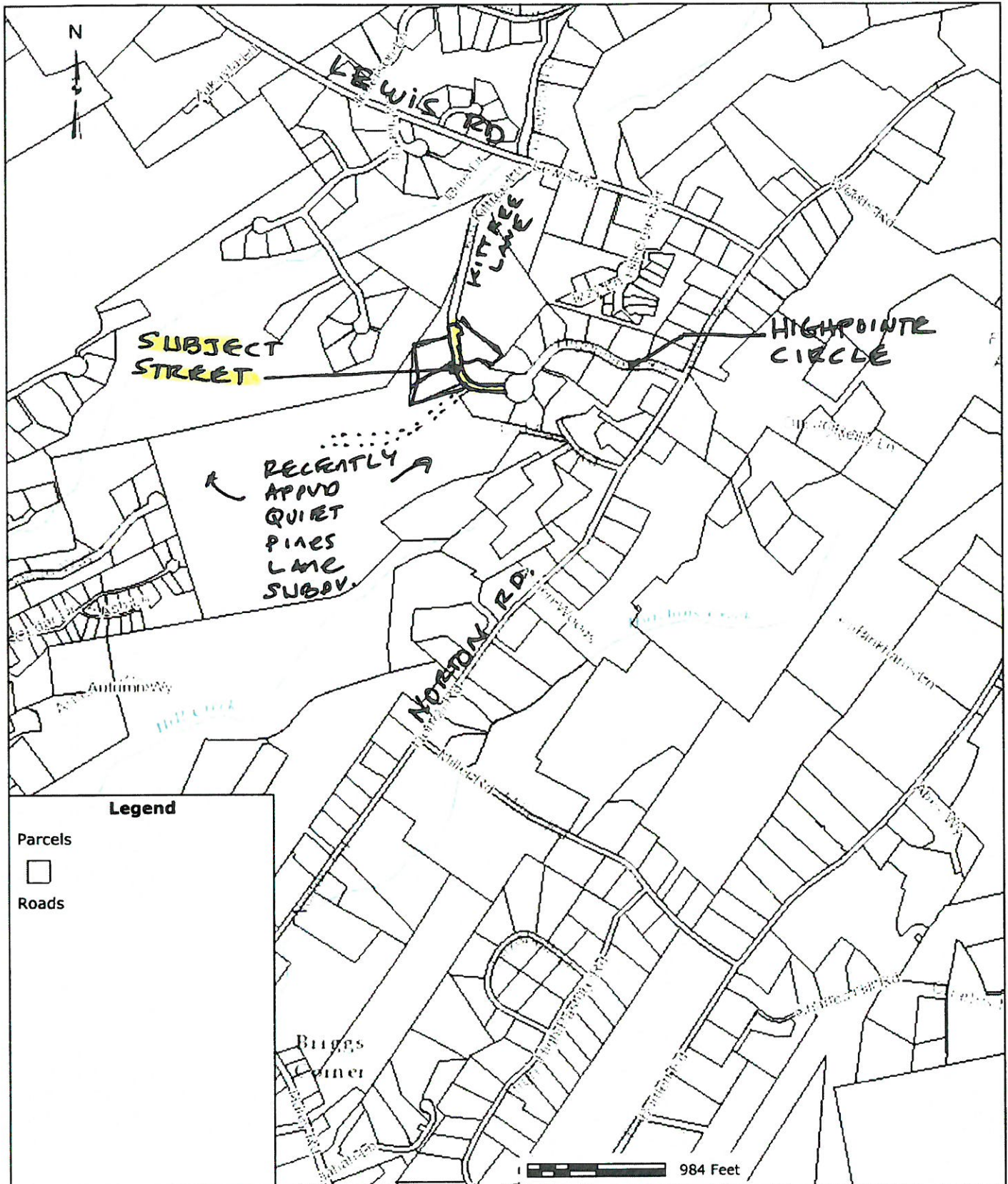
MOVE TO ACCEPT AS A PUBLIC STREET THE ROADWAY INCLUDED IN THE 2008 BEATRICE WAY SUBDIVISION AND AS DESCRIBED IN DRAFT DEED AND ANNOTATED PLANS INCLUDED WITH SUBMITTED PETITION PREPARED BY OPERATION BLESSING LIMITED PARTNERSHIP, AND INCORPORATE AS PART OF THE PUBLIC STREET HIGHPOINTE CIRCLE.*

*The Council may want to continue the request to such time OB can finalize the required documents.

RATIONALE FOR THE PROPOSED SOLUTION (INCLUDING COSTS)

(See above)

Locus Map



**Town of Kittery,
Maine**

Highpointe Circle / Kitteree Lane Vicinity

This information has been compiled from various public and private sources. While every attempt has been made to provide accurate information, neither the municipality nor the service host guarantee the accuracy of information provided herein.

Public Works Commissioner
200 Rogers Road
Kittery, ME 03904

Subject: STREET NAMING APPLICATION for KPB Approved 3 Lot Subdivision
in Aug. 2008 (w/Operation Blessing Limited Partnership as Applicant)

PETITION FOR ACCEPTANCE OF A PUBLIC STREET
(for same stretch of road)

In conformance with the requirements of the Kittery Planning Board (KPB) and the Town Manager, Operation Blessing Limited Partnership (OBLP) is requesting your input on two matters of interest. The KPB has concurred with the Applicant (Richard Sparkowich, representing OBLP) that the STREET NAMING APPLICATION be forwarded, together, with the PETITION FOR ACCEPTANCE OF A PUBLIC STREET.

Although the aforementioned two items are geographically separate from OBLP's Beatrice Lane, 5-Lot Conventional Subdivision, the Planning Board has "piggy backed" them to our current 5-Lot Subdivision Application. Furthermore, OBLP received Preliminary Subdivision Approval on 3/12/15 w/conditions, and one of those conditions require that a **PETITION FOR ACCEPTANCE OF A PUBLIC STREET**, be filed for the 3 Lot Subdivision that was completed on 11/8/2012. (See Attachment 2)

Following, please find the **PETITION FOR ACCEPTANCE OF A PUBLIC STREET**, which we were furnished by the Kittery Planning Department. The Petition requires review and input by the Kittery Public Works Commissioner. I.A.W. the Town Planner's request, the petitioners have signed the Petition.

Thank you for your consideration.

Respectfully,

Richard Sparkowich, Gen. Partner

Enclosed: Attachment (1) Deed description of R.O.W. to be conveyed to the Town
Attachment (2) CMA Road completion Report
Attachment (3) "As built", Profile and Cross Section Road Plans
Attachment (4) FINAL OBLP 3 Lot Subdiv. Plan at YCRD

**PETITION FOR ACCEPTANCE
OF A PUBLIC STREET**

The undersigned petitioners, acting in accordance with the design standards, conditions and requirements for acceptance of a public street, pursuant to Article V, Section 16.8.5.1.3. of the Land Use and Development Code, Zoning Ordinance for the Town of Kittery, hereby petition the Kittery Town Council to accept the following street as a public street and way within the Town:

Name of Proposed Public Street: Highpointe Circle

Petitioners represent that the following requirements for street acceptance have been completed as of the date set forth:

1. Drafting of a deed from the property owner(s) conveying the property within the boundaries of the proposed street to the Town of Kittery. *SEE ATTACHMENT (1)*

2. Satisfactory report by a Maine Certified Engineer that the proposed street "as built" has been constructed in accordance with the standards and criteria established in Article IV., Section 16.8.4. Streets and Pedestrian Ways/Sidewalks Site Design Standards and the Design and Construction Standards for Streets and Pedestrian Ways, Table 1, Chapter 16.8, Article IV.

SEE ATTACHMENT (2)

(CMA REPORT)

Date Completed

3. An "as built" plan, profile and cross section of the proposed street meeting the specifications set forth in Section 16.8.5.1.3.a. thru d.

SEE ATTACHMENT (3) = 2 PLANS

SEE ATTACHMENT (4) = "FINAL" PLAN

Date Completed

4. Report that the Kittery Public Works Commissioner has reviewed the "as built" report, plans and documents submitted by the Maine Certified Engineer, and that the proposed street satisfies all conditions of acceptance as a public street and any other conditions imposed by the Commissioner.

Date Completed

5. Recommendation by the Kittery Planning Board to the Town Council recommending that the street proposed to be accepted as a public street meets all Planning Board review requirements for approval under the Ordinance.

Date Completed

6. A prepared plan of the street in recordable form to be recorded in the York County Registry of Deeds.

SEE ATTACHMENT 3 (PLAN #1)

Date Completed

The undersigned petitioners represent and acknowledge that the herein Petition for Acceptance of Highpointe Circle

Name of Proposed Street

as a public street will not be considered for approval by the Kittery Town Council until all the above conditions have been fully satisfied.

Each of the undersigned petitioners, being all the property owners abutting Highpointe Circle for themselves, their successors, heirs and assigns, by their signatures affixed to this petition, hereby agree to release and indemnify the Town of Kittery from all liability for any damage, either actual or implied, caused by surface water runoff from the above-described street, and, further, that any water-course or drainage easements, either natural or manmade, will remain unobstructed and will be maintained free flowing by the landowners thereof.

An affidavit signed by the Kittery Commissioner of Public Works shall be recorded in the York County Registry of Deeds with a copy of this completed Petition attached thereto.

Respectfully submitted by the undersigned petitioners, who have reviewed and attest to the accuracy of the information contained in this Petition prior to affixing their names below:

•

_____	_____	_____
Print Name	Signature	
_____	/ /20	_____
Resident Address	Date	Kittery Map/Lot No.

•

_____	_____	_____
Print Name	Signature	
_____	/ /20	_____
Resident Address	Date	Kittery Map/Lot No.

James Rothwell

Print Name

James Rothwell

Signature

14 Kittree Lane

Resident Address

10/15/2015

Date

61-8F

Kittery Map/Lot No.

Martha Rothwell

Print Name

Martha Rothwell

Signature

14 Kittree Lane

Resident Address

10/15/2015

Date

61-8F

Kittery Map/Lot No.

Richard Sparkowich

Print Name

Richard Sparkowich

Signature

dba Operation Blessing
Limited Partnership

22B Old Farm Rd, Kittery, ME.

Resident Address

10/14/2015

Date

61-8D

Kittery Map/Lot No.

Print Name

Signature

Resident Address

/ /20

Date

Kittery Map/Lot No.

Print Name

Signature

Resident Address

/ /20

Date

Kittery Map/Lot No.

Print Name

Signature

Resident Address

/ /20

Date

Kittery Map/Lot No.

Print Name

Signature

Resident Address

/ /20

Date

Kittery Map/Lot No.

Print Name

Signature

Resident Address

____/____/20____

Date

Kittery Map/Lot No.

Print Name

Signature

Resident Address

____/____/20____

Date

Kittery Map/Lot No.

Print Name

Signature

Resident Address

____/____/20____

Date

Kittery Map/Lot No.

Print Name

Signature

Resident Address

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Date

Kittery Map/Lot No.

Print Name

Signature

Resident Address

____/____/20____

Date

Kittery Map/Lot No.

Print Name

Signature

Resident Address

____/____/20____

Date

Kittery Map/Lot No.

Print Name

Signature

Resident Address

____/____/20____

Date

Kittery Map/Lot No.

Print Name		Signature
_____	/ /20	Map Lot
Resident Address	Date	Kittery Map/Lot No.

•

Print Name		Signature
_____	/ /20	Map Lot
Resident Address	Date	Kittery Map/Lot No.

•

Print Name		Signature
_____	/ /20	Map Lot
Resident Address	Date	Kittery Map/Lot No.

•

Print Name		Signature
_____	/ /20	Map Lot
Resident Address	Date	Kittery Map/Lot No.

DATE APPROVED BY THE KITTEY TOWN COUNCIL: _____
A:\PublicWorks.Pet

Attachment (1)

Description of "Right of Way to be conveyed to the Town of Kittery"

(UPPER SECTION)

A certain tract or parcel of land, located on the westerly end of Highpointe Circle, Town of Kittery, York County, Maine, depicted as "N/F Goodhouse Construction Existing 50' Right-Of-Way" on a plan entitled "Minor Subdivision of Land of Operation Blessing Limited Partnership Highpointe Circle & Kittree Lane, Kittery, Maine", prepared for: Operation Blessing Limited Partnership, prepared by Civil Consultants, dated 14 August 2008, which is recorded in the York County Registry of Deeds in plan book 331 Page 46 and being more particularly described as follows:

Beginning at an iron pin on the westerly end of Highpointe Circle also being the southeast corner of land now or formerly of David & Kelly Hanson; thence running N 83°09' 42" W along land of said Hanson a distance of 154.48 feet to a monument; thence running northwesterly by land of said Hanson along a tangent curve to the right having a radius of 150.00 feet a distance of 199.03 feet to a monument at the southerly end of land depicted as "New Right-Of-Way" proposed to be granted to the Town of Kittery; thence running S 82°51' 46" W along the southerly end of said New Right of Way a distance of 50.00 feet to a monument at land depicted as Lot 61-8F on said plan; thence running southeasterly by said Lot 61-8F along a curve to the left having a radius of 200.00 feet a distance of 114.54 feet to a monument at the northerly corner of land now or formerly of Operation Blessing Limited Partnership; thence continuing southeasterly by said land now or formerly of Operation Blessing Limited Partnership along a tangent curve to the left having a radius of 200.00 feet a distance of 78.18 feet to a monument at the corner of land now or formerly of Joseph & Linda Gasbarro; thence continuing southeasterly by land of said Gasbarro along a tangent curve to the left having a radius of 200.00 feet a distance of 72.15 feet to a monument thence running S 83°09' 42" E along land of said Gasbarro a distance of 160.53 feet to an iron pin at the westerly sideline of said Highpointe Circle; thence running northerly by the westerly sideline of said Highpointe Circle along a curve to the right having a radius of 105.00 feet a distance of 50.76 feet to the point of beginning.

Description of "Right of Way to be conveyed to the Town of Kittery "

(LOWER SECTION)

A certain tract or parcel of land, located on the southerly end of Kittree Lane, Town of Kittery, York County, Maine, partially depicted as "New Right-Of Way" on a plan entitled "Minor Subdivision of Land of Operation Blessing Limited Partnership Highpointe Circle & Kittree Lane, Kittery, Maine", prepared for: Operation Blessing Limited Partnership, prepared by Civil Consultants, dated 14 August 2008, which is recorded in the York County Registry of Deeds in plan book 331 Page 46 and being more particularly described as follows:

Beginning at a monument at the northwest corner of land depicted as "N/F Goodhouse Construction Existing 50' Right-Of-Way" proposed to be granted to the Town of Kittery; thence running N 82°51' 46" E along the northerly end of said Goodhouse Right of Way a distance of 50.00 feet to a monument at the southwest corner of land depicted as Lot 61-8D on said plan; thence running N 07°08' 14" W along said Lot 61-8D a distance of 217.16 feet to a monument; thence running N 82°51' 44" E along said Lot 61-8D a distance of 35.00 feet to an iron pin; thence running N 07°08' 16" W along said Lot 61-8D a distance of 36.00 feet to an iron pin; thence running S 82°51' 44" W along said Lot 61-8D a distance of 30.00 feet to an iron pin; thence running N 07°08' 16" W along said Lot 61-8D a distance of 76.21 feet to an iron pin at the northwest corner of said Lot 61-8D; thence running S 82°51' 44" W a distance of 60.00 feet to a point at land now or formerly of Mary-Ellen Ciali & Gayle Karukin; thence running S 07°08' 16" W along land of said Ciali & Karukin a distance of 112.21 feet to an iron pin at land depicted as Lot 61-8E; thence running N 82°51' 44" E along said Lot 61-8E a distance of 5.00 feet to a monument; thence running S 07°08' 14" E along said Lot 61-8E a distance of 175.91 feet to a monument at the northeast corner of land depicted as Lot 61-8F on said plan; thence continuing S 07°08' 14" E along said Lot 61-8F a distance of 41.25 feet to the point of beginning.

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **GOODHOUSE CONSTRUCTION CO., LLC**, a/k/a Good House Construction Co., LLC a Maine limited liability company with a principal address of 49 Shagbark Lane, Town of Eliot, County of York and State of Maine;

FOR CONSIDERATION PAID, grants to the **INHABITANTS OF KITTERY, MAINE**, whose mailing address is 200 Rogers Road, Town of Kittery, County of York and State of Maine;

WITH WARRANTY COVENANTS, the following described parcel of land:

A certain proposed public street more particularly known as Highpointe Circle, situated in Kittery, County of York and State of Maine and described in Exhibit "A" attached hereto and made a part hereof. Also joining in this deed as Grantors for the purpose of releasing and conveying to the Grantee herein for consideration paid all our individual interest in and to Highpointe Circle as the respective owners of all lots adjoining Highpointe Circle being the following Grantors, Oscar M. & Jean A. Wilkins 2 Highpointe Circle, Kittery, ME 03904 and Matthew & Deborah McCluskey 3 Highpointe Circle, Kittery, ME 03904 and John A. & Deborah L. Belanger 4 Highpointe Circle, Kittery, ME 03904 and Mark W. & Terry L. Nichols 5 Highpointe Circle, Kittery, ME 03904 and Benjamin & Maura Stein 6 Highpointe Circle, Kittery, ME 03904 and David & Ingrid Kelly 7 Highpointe Circle, Kittery, ME 03904 and Adam W. & Mary W. Jackson 8 Highpointe Circle, Kittery, ME 03904 and Dennis & Debra Dean 9 Highpointe Circle, Kittery, ME 03904 and Gregory & Melissa Morehead 10 Highpointe Circle, Kittery, ME 03904 and Joseph & Linda Gasbarro 11 Highpointe Circle, Kittery, ME 03904 and Matthew & Jennifer McCann 12 Highpointe Circle, Kittery, ME 03904 and David & Kelly Hanson 14 Highpointe Circle, Kittery, ME 03904.

IN WITNESS WHEREOF, the said Goodhouse Construction Co., LLC has caused this instrument to be signed this 16 day of ~~August~~ September, 2009.

WITNESS:

[Signature]

Goodhouse Construction, LLC

By:

[Signature]
Paul Flynn, Member

DMcCluskey

By: Oscar M. Wilkins
Oscar M. Wilkins
2 Highpointe Circle, Kittery, ME 03904

DMcCluskey

By: Jean A. Wilkins
Jean A. Wilkins
2 Highpointe Circle, Kittery, ME 03904

Deborah Belanger

By: Matthew McCluskey
Matthew McCluskey
3 Highpointe Circle, Kittery, ME 03904

Deborah Belanger

By: Deborah McCluskey
Deborah McCluskey
3 Highpointe Circle, Kittery, ME 03904

John A. Belanger

By: John A. Belanger
John A. Belanger
4 Highpointe Circle, Kittery, ME 03904

Deborah L. Belanger

By: Deborah L. Belanger
Deborah L. Belanger
4 Highpointe Circle, Kittery, ME 03904

Deborah Belanger

By: Mark W. Nichols
Mark W. Nichols
5 Highpointe Circle, Kittery, ME 03904

Deborah Belanger

By: Terry L. Nichols
Terry L. Nichols
5 Highpointe Circle, Kittery, ME 03904

Deborah Belanger

By: Benjamin H. Stein
Benjamin Stein
6 Highpointe Circle, Kittery, ME 03904

Deborah Belanger

By: Maura Stein
Maura Stein
6 Highpointe Circle, Kittery, ME 03904

DM Kelly

By: David Kelly
David Kelly
7 Highpointe Circle, Kittery, ME 03904

Deborah Belanger

By: Ingrid Kelly
Ingrid Kelly
7 Highpointe Circle, Kittery, ME 03904

Deborah Belanger

By: Adam W. Jackson
Adam W. Jackson
8 Highpointe Circle, Kittery, ME 03904

DM Jackson

By: Mary W. Jackson
Mary W. Jackson
8 Highpointe Circle, Kittery, ME 03904

Deborah Belanger

By: Dennis Dean
Dennis Dean
9 Highpointe Circle, Kittery, ME 03904

Deborah Belanger

By: Debra Dean
Debra Dean
9 Highpointe Circle, Kittery, ME 03904

DMC Cluskey

By: Gregory Morehead
Gregory Morehead
10 Highpointe Circle, Kittery, ME 03904

DMC Cluskey

By: Melissa Morehead
Melissa Morehead
10 Highpointe Circle, Kittery, ME 03904

DMC Cluskey

By: Joseph Gasbarro
Joseph Gasbarro
11 Highpointe Circle, Kittery, ME 03904

DMC Cluskey

By: Linda Gasbarro
Linda Gasbarro
11 Highpointe Circle, Kittery, ME 03904

DMC Cluskey

By: Matthew McCann
Matthew McCann
12 Highpointe Circle, Kittery, ME 03904

DMC Cluskey

By: Jennifer McCann
Jennifer McCann
12 Highpointe Circle, Kittery, ME 03904

DMC Cluskey

By: David Hanson
David Hanson
14 Highpointe Circle, Kittery, ME 03904

DMC Cluskey

By: Kelly Hanson
Kelly Hanson
14 Highpointe Circle, Kittery, ME 03904

ATT. 1A

State of Maine
County of York

Dated: Sept 16, 2009

Personally appeared the above-named Paul Flynn, Member of Goodhouse Construction Co., LLC, in his said capacity, and acknowledged the foregoing to be his free act and deed of said company, before me.

Maryann Place
Notary Public

MARYANN PLACE, Notary Public
My Commission Expires April 11, 2016

EXHIBIT A

A certain proposed public street more particularly known as Highpointe Circle, situated in Kittery, County of York and State of Maine on a plan entitled "Highpointe Estates, Kittery, Maine", said plan being recorded at the York County Registry of Deeds as Plan Book 291 Page 39. See said plan for a more particular description.

Subject, but not limited to the following covenants, easements and/or restrictions as further recorded in the York County Registry of Deeds:

Right of Way as granted to Operation Blessing Limited Partnership in Book 14129, Page 757;

Department of Environmental Protection order dated May 6, 2004 as recorded in Book 14093, Page 578;

Easement to Verizon New England, Inc. And Central Maine Power Co. Dated September 17, 2004 as recorded in Book 14253, Page 72;

Notes, statement of facts, easements as shown on Plans recorded in Book 291, Page 39 and Book 288, Page 50.

Declaration of Covenants and Restrictions for Highpointe Estates dated November 29, 2004 as recorded in Book 14304, Page 624; amended Declaration dated March 7, 2005 as recorded in Book 14397, Page 723; amended Declaration dated August 1, 2006 as recorded in

Book 14914, Page 929. See Wooded buffer on Lots 1, 7, 8, 9, 11 & 12 and Stormwater Treatment Pond on Lot 12.

Being a portion of the premises conveyed to GoodHouse Construction Co., LLC by the following deeds:

Deed of William R. Toothaker, Trustee of the William R. Toothaker Revocable Trust to GoodHouse Construction Co., LLC recorded in Book 14129, Page 745;

Deed of George and Loretta C. Martin to GoodHouse Construction Co., LLC as recorded in Book 14129, Page 747; and

Deed of Operation Blessing Limited Partnership to GoodHouse Construction Co., LLC as recorded in Book 14129, Page 749.

EXCEPTING therefrom those parcels of land conveyed out of the above referenced parcels more particularly described in the following deeds:

Deed of GoodHouse Construction Co., LLC to George and Loretta C. Martin recorded in Book 14129, Page 753;

Deed of GoodHouse Construction Co., LLC to Operation Blessing Limited Partnership as recorded in Book 14129, Page 755; and

Deed of GoodHouse Construction Co., LLC to David M. Holbrook as recorded in Book 14129, Page 757.

For title reference for the remaining Grantors, see their respective deeds recorded in the York County Registry of Deeds.

The purpose of this deed is given towards the completion of the public acceptance procedure for the acceptance of Highpointe Circle, so-called by the Town as a Town accepted road.



Attachment (2)

Rick Sparkowich <ricksparkowich@gmail.com>

FW: Beatrice Lane

2 messages

William Straub <wstraub@cmaengineers.com>

Mon, Aug 10, 2015 at 2:00 PM

To: Chris DiMatteo <CDiMatteo@kitteryme.org>

Cc: "ricksparkowich@gmail.com" <ricksparkowich@gmail.com>, Jodie Bray Strickland <jstrickland@cmaengineers.com>

Hi Chris,

I know you are up north this week in the wilds, but I wanted to get this off.

Rick Sparkowich of Operation Blessing called me last week regarding the 1st Beatrice Lane project. He is apparently seeking to get Town approval of the roadway, and wanted to know if we had documentation of our conclusion that the roadway was constructed in accordance with the PB -approved plans.

Below is an email that Jodie Strickland sent to you and others on November 13, 2012. It transmitted a final Field Report on the project (also attached), and included the statement: ***All construction is complete with respect to the approved plans.***

This is the documentation from our perspective of that completion.

If you have any questions, please let us know.

Best,

Bill

Bill Straub, PE



(603) 431-6196

1 of 3

From: Jodie Bray Strickland
Sent: Tuesday, November 13, 2012 1:12 PM
To: Chris DiMatteo <CDiMatteo@kitteryme.org>
Cc: William Straub <wstraub@cmaengineers.com>; ricksparkowich@gmail.com; Gmylroie <gmylroie@kitteryme.org>; Jan Fisk <JFisk@kitteryme.org>
Subject: RE: Beatrice Lane

Chris-

Please find attached my field report for the site visit I made to Beatrice Lane subdivision on Thursday November 8th. All construction is complete with respect to the approved plans.

Please let me know if you have any questions.

Sincerely,

Jodie

Jodie Bray Strickland, PE




35 Bow Street

Portsmouth, NH 03801

p: 603.431.6196

f: 603.431.5376

e: jstrickland@cmaengineers.com

 **FR20121108.pdf**
185K

Rick Sparkowich <ricksparkowich@gmail.com>
To: William Straub <wstraub@cmaengineers.com>

2 OF 3

Mon, Aug 10, 2015 at 2:02 PM

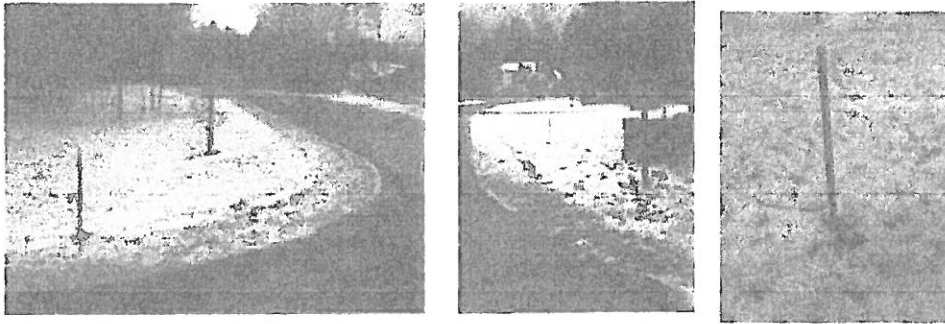
Field Report

CMA ENGINEERS, INC.
35 BOW STREET
PORTSMOUTH, NH 03801

DATE: Thursday November 8, 2012

Project: Beatrice Lane Subdivision (Operation Blessing)
Kittery, ME 03904
CMA Project No: 591.22 Field Reports

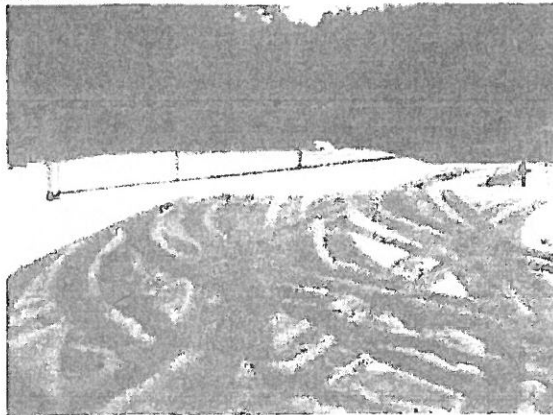
All signs and granite bounds and iron rods are installed in their correct locations.



The 1" wearing course of pavement has been installed and the 3' gravel shoulders on each side.



The gate at the turnaround tee has been installed.



Construction of the subdivision roadway through the connection to Highpoint Circle is complete.

Submitted by: J. Strickland

Chris DiMatteo

From: William Straub <wstraub@cmaengineers.com>
Sent: Tuesday, February 02, 2016 4:30 PM
To: Chris DiMatteo
Cc: Jodie Bray Strickland
Subject: Operation Blessing Roadway

Chris,

We have reviewed the record regarding the planning board approval, design, and construction of the Operation Blessing roadway between Highpointe Circle and Kittree Lane (between Norton and Lewis Roads in Kittery).

Highpointe Circle was constructed prior to the Operation Blessing subdivision project being proposed. It was constructed with a sidewalk on one side, curbing between the sidewalk and roadway, and a combination of open drainage and closed (piped) drainage. The closed drainage is adjacent to the sidewalk/curb, which is generally required with curbing.

The Operation Blessing project went through the Planning Board review process in 2007 and 2008. The original project included a 3-lot subdivision and about 700 feet of new roadway that connected to Highpointe Circle, and ended at Kittree Ln (a private lane). It was not intended to be accessible from the Kittree Ln side, except possibly in emergencies. We note that the proposed roadway "evolved" during the review process, and as described below, was entire roadway was designed to the "Minor Street" classification.

In the original design, there was a future roadway planned off the new Operation Blessing roadway to the south. That additional roadway has now been designed and is in the review process with the Planning Board as separate project. That project includes 5 residential lots.

The original Operation Blessing roadway was approved under applicable Design and Construction Standards at the time in the Kittery Land Use Code. It was permitted as a "Minor Street", the lowest classification for a public street at that time. The "Minor Street" standard applies to streets with an anticipated Average Daily Traffic (ADT) of between 35 and 200. The upper range is indicative of up to 20 residential units, many more than were part of the original roadway, even with the added units in the currently proposed roadway to the south, and the two homes on Highpointe Circle that used to be accessed by driveways, and now are on the Operation Blessing roadway (total of 10 residences). The "Minor Street" standard was and is applicable.

Relevant standards for the "Minor Street" classification in 2008, and that permitted and constructed for the Operation Blessing roadway, included:

	<u>Standard</u>	<u>Designed and Constructed</u>
ROW width	50'	50'
Paved width	20'	20'
Sidewalks	If PB directs	none; PB approved w/o sidewalks
Paved shoulders	none	none
Gravel shoulders	5'	3' (as approved by planning board; minor difference)
Cul-de-sac	Yes	Hammerhead provided (equivalent at low volumes)
Second Access	not allowed	not provided
Geometry	prescribed	meets prescriptions
Pavement thickness	2 ½" total	2 ½" total
Curbing	if Sidewalk, per PB	No sidewalk, no curbing

We note that closed (piped) drainage would have been associated with sidewalk and curbing. Since there was no sidewalk and curbing, there was no closed drainage (except for driveway crossings).

CMA Engineers did a series of observations during construction and we have concurred that construction was completed in accordance with the approved design.

We note that the Design and Construction Standards for Streets was modified in 2010, and the requirements for "Minor Street" standard now requires sidewalk if not waived by the Planning Board.

Should you have any questions, please do not hesitate to call.

Best,

Bill
Bill Straub, PE

CMA
ENGINEERS
(603) 431-6196

ATT. 23

DESIGN AND CONSTRUCTION STANDARDS FOR STREETS									
Design and Construction Standards	Arterial Highways	Secondary Arterials	Commercial Light Industrial Mixed Use Developments	Primary Collectors	Secondary Collectors	Minor Streets	Private Roads	Private Lanes	Private Ways
Average Daily Traffic (ADT)	9,001 or more	3,001 to 9,000	ADT and Peak	801 to 3,000	201 to 800	35 to 200	72 to 800	35 to 71	12 to 35
Street width design:	Streets in this classification will generally be affected by development rather than constructed, and may require drainage, soil, use, traffic safety, and impact studies beyond the scope of this title for required improvements and/or construction.								
a. Right-of-way	Commercial, light industrial and mixed use development(s) streets shall be constructed to no less than secondary collector standards and may be subject to higher standards depending on the traffic generation and use(s) intended.								
b. Travel pavement									
c. Sidewalk									
d. Paved shoulder									
e. Gravel shoulder									
f. Enclosed drainage									
g. Parking									
Street gradients:	depending on the traffic generation and use(s) intended.								
a. Longitudinal (min. to max.)									
b. Side slope (hor. to vert.)									
c. Road crown									
Cul-de-sac:	depending on the traffic generation and use(s) intended.								
a. Street length to radius									
b. Boundary radius									
c. Paved radius									
Second Access	Not allowed								

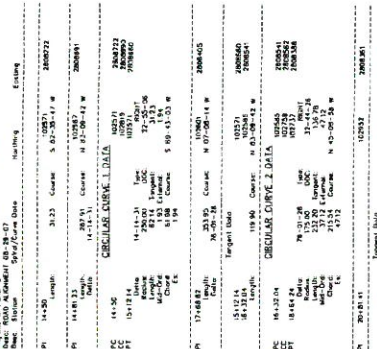
Figure 1 for Chapter 16.32
DESIGN AND CONSTRUCTION STANDARDS FOR STREETS (Continued)

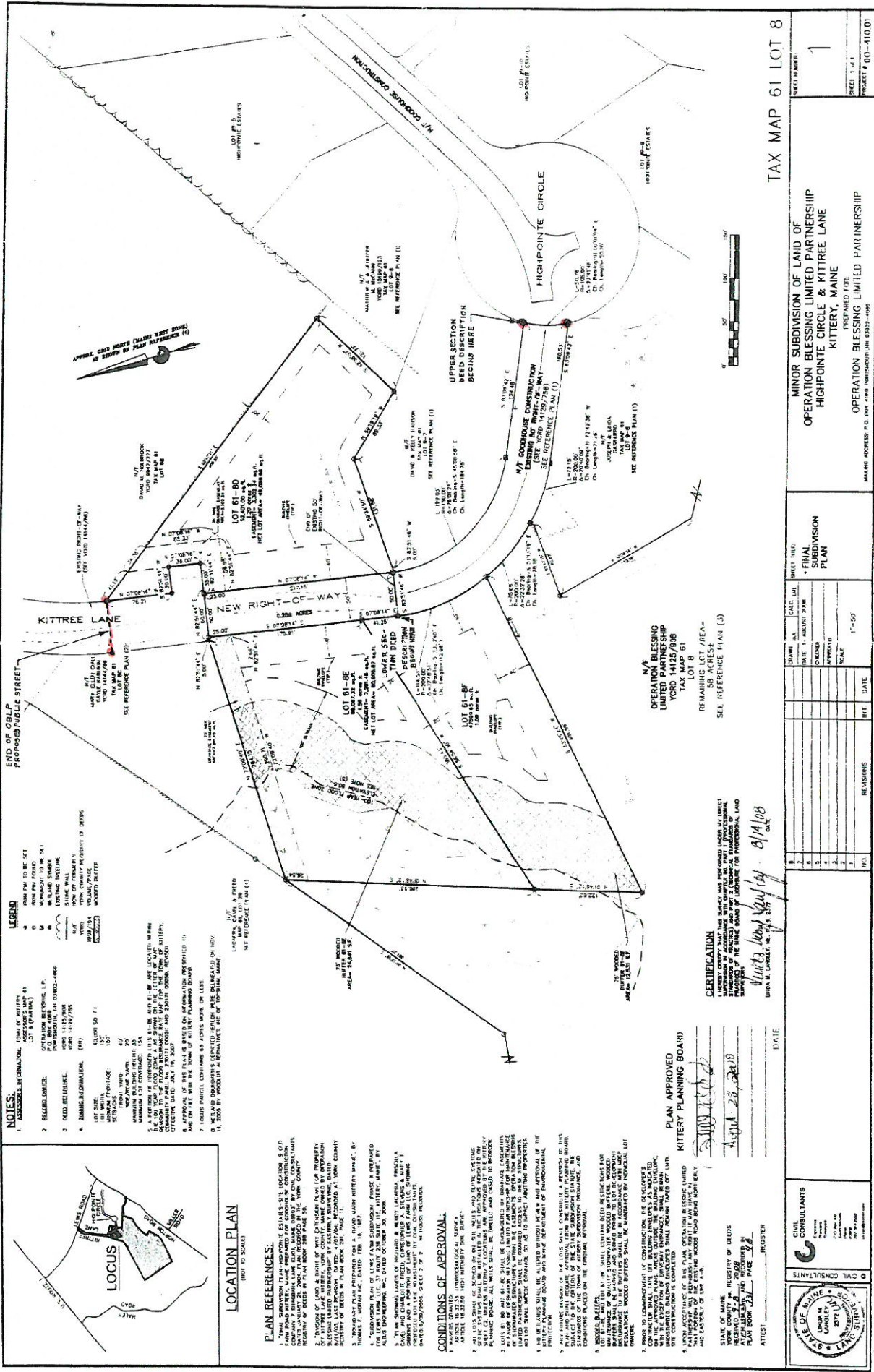
Design and Construction Standards	Arterial Highways	Secondary Arterials	Commercial Light Industrial Mixed Use Developments	Primary Collectors	Secondary Collectors	Minor Streets	Private Roads	Private Lanes	Private Ways
Average Daily Traffic (ADT)	9,001 or more	3,001 to 9,000	ADT and Peak	801 to 3,000	201 to 800	35 to 200	72 to 800	35 to 71	12 to 35
Intersection design: a. Frequency centerlines b. Maximum angle c. Tangent section to paved edge d. Max. grade to paved edge e. Curb radii	Streets in this classification will generally be affected by development rather than constructed, and may require drainage, soil, use, traffic safety, and impact studies beyond the scope of this title for required improvements and/or construction.		Commercial, light industrial and mixed use development(s) streets shall be constructed to no less than secondary collector standards and may be subject to higher standards depending on the traffic generation and use(s) intended.	600' 90' 75' 2.0@75' 20'	400' 80°—90° 50' 3%@50' 20'	300' 80°—90° 40' 3%@40' 10'	Same standards as public streets based on average daily traffic count (ADT) calculated from the latest edition of the ITE Codes.	N/A 75°—90° 40' 3%@40' 10'	N/A 60°—90° N/A 3%@25' N/A
Curves: a. Tangent between reverse curves b. Min. centerline curve radius				200' 400'	100' 300'	100' 150'		N/A 100'	N/A N/A
Street materials cross-section: a. Min. gravel sub-base b. Min. crushed gravel c. Bituminous pavement base d. Bituminous pavement surface e. Compacted loam slopes				18" 6" 2" 1½" 6"	12" 6" 2" 1" 4"	12" 6" 1½" 1" 4"		12" 4" 1½" 1" 4"	8" 4" N/A N/A 4"

Figure 1 for Chapter 16.32
DESIGN AND CONSTRUCTION STANDARDS FOR STREETS (Continued)

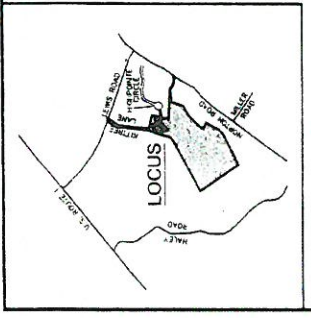
Design and Construction Standards	Arterial Highways	Secondary Arterials	Commercial Light Industrial Mixed Use Developments	Primary Collectors	Secondary Collectors	Minor Streets	Private Roads	Private Lanes	Private Ways
Average Daily Traffic (ADT)	9,001 or more	3,001 to 9,000	ADT and Peak	801 to 3,000	201 to 800	35 to 200	72 to 800	35 to 71	12 to 35
Sidewalk materials, cross-section:	Streets in this classification will generally be affected by development rather than constructed, and may require drainage, soil, use, traffic safety, and impact studies beyond the scope of this title for required improvements and/or construction.		Commercial, light industrial and mixed use development(s) streets shall be constructed to no less than secondary collector standards and may be subject to higher standards depending on the traffic generation and use(s) intended.	18"	12"	9"	Planning board determination	N/A	N/A
a. Minimum gravel sub-base									
b. Minimum, crushed gravel									
c. Min. and max. curb reveal									
d. Curb material									
e. Bituminous pavement base									
f. Bituminous pavement surface									

(Land use and dev. code Fig. 8-1, 1994)





- NOTES:**
1. ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS SHALL BE MEASURED TO THE CENTER OF THE ROAD OR TO THE CENTER OF THE LOT, WHICHEVER IS APPLICABLE.
 2. ALL DIMENSIONS SHALL BE MEASURED TO THE CENTER OF THE ROAD OR TO THE CENTER OF THE LOT, WHICHEVER IS APPLICABLE.
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 9. ALL DIMENSIONS SHALL BE MEASURED TO THE CENTER OF THE ROAD OR TO THE CENTER OF THE LOT, WHICHEVER IS APPLICABLE.
 10. ALL DIMENSIONS SHALL BE MEASURED TO THE CENTER OF THE ROAD OR TO THE CENTER OF THE LOT, WHICHEVER IS APPLICABLE.



LOCATION PLAN
(NOT TO SCALE)

PLAN REFERENCES:

1. TOWN OF KITTERY, MAINE, SUBDIVISION OF DEEDS, LOT 8, MAP 61, 1998.
2. TOWN OF KITTERY, MAINE, SUBDIVISION OF DEEDS, LOT 8, MAP 61, 1998.
3. TOWN OF KITTERY, MAINE, SUBDIVISION OF DEEDS, LOT 8, MAP 61, 1998.
4. TOWN OF KITTERY, MAINE, SUBDIVISION OF DEEDS, LOT 8, MAP 61, 1998.
5. TOWN OF KITTERY, MAINE, SUBDIVISION OF DEEDS, LOT 8, MAP 61, 1998.
6. TOWN OF KITTERY, MAINE, SUBDIVISION OF DEEDS, LOT 8, MAP 61, 1998.
7. TOWN OF KITTERY, MAINE, SUBDIVISION OF DEEDS, LOT 8, MAP 61, 1998.
8. TOWN OF KITTERY, MAINE, SUBDIVISION OF DEEDS, LOT 8, MAP 61, 1998.
9. TOWN OF KITTERY, MAINE, SUBDIVISION OF DEEDS, LOT 8, MAP 61, 1998.
10. TOWN OF KITTERY, MAINE, SUBDIVISION OF DEEDS, LOT 8, MAP 61, 1998.

CONDITIONS OF APPROVAL:

1. THE SUBDIVISION SHALL BE COMPLETED WITHIN THE TIME FRAME SPECIFIED IN THE SUBDIVISION OF DEEDS.
2. THE SUBDIVISION SHALL BE COMPLETED WITHIN THE TIME FRAME SPECIFIED IN THE SUBDIVISION OF DEEDS.
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9. THE SUBDIVISION SHALL BE COMPLETED WITHIN THE TIME FRAME SPECIFIED IN THE SUBDIVISION OF DEEDS.
10. THE SUBDIVISION SHALL BE COMPLETED WITHIN THE TIME FRAME SPECIFIED IN THE SUBDIVISION OF DEEDS.

PLAN APPROVED

KITTERY PLANNING BOARD

DATE: 8/14/08

BY: [Signature]

DATE: 8/14/08

BY: [Signature]

DATE: 8/14/08

BY: [Signature]

DATE: 8/14/08

BY: [Signature]

DATE: 8/14/08

BY: [Signature]

DATE: 8/14/08

BY: [Signature]

CERTIFICATION

I, the undersigned, being a duly qualified and licensed professional land surveyor, do hereby certify that this plan and map were prepared by me or under my direct supervision and that I am a duly qualified and licensed professional land surveyor in the State of Maine.

DATE: 8/14/08

BY: [Signature]

DATE: 8/14/08

BY: [Signature]

DATE: 8/14/08

BY: [Signature]

DATE: 8/14/08

BY: [Signature]

DATE: 8/14/08

TAX MAP 61 LOT 8

SHEET NUMBER

1

SHEET 1 OF 1

PROJECT # 00-410.01

MINOR SUBDIVISION OF LAND OF

OPERATION BLESSING LIMITED PARTNERSHIP

HIGHPOINT CIRCLE & KITTREE LANE

KITTERY, MAINE

PREPARED FOR:

OPERATION BLESSING LIMITED PARTNERSHIP

MARKING ADDRESS: P.O. BOX 4000, PORTLAND, ME 04106-4000

DATE: 8/14/08

DATE: 8/14/08

BY: [Signature]

DATE: 8/14/08

BY: [Signature]

DATE: 8/14/08

BY: [Signature]

DATE: 8/14/08

BY: [Signature]

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DATE: 8/14/08

BY: [Signature]



Town of Kittery, Maine
Department of Public Works
200 Rogers Road, Kittery, ME 03904
Telephone: (207) 439-0333 Fax: (207) 439-6118

MEMO

To: Chris DiMatteo, Town Planner

From: David Rich, Commissioner of Public Works

Subject: Review of Petition for Road Acceptance – Highpointe Circle

Date: October 13, 2016

CC: Interim Town Manager Carol Granfield

After my review of the petition submitted by Operation Blessing Limited Partnership (planning board packet for June 9, 2016) and field inspection of Kittree Lane/ Highpointe Circle, I cannot support their request to become a public roadway. My findings are based on the communications between Commissioner Rossiter and Carl Beal, PE, Civil Consultants stating that it will remain private based on current design. (See attached) Additionally my findings are that the roadway does not meet the 2008 minor roadway design standard as stated in Commissioner Rossiter's 3/18/2008 memorandum.

At this time Public Works manpower, equipment and operating budget currently in place does not support taking on additional roadway maintenance. It is my recommendation that any new roadways submitted for acceptance be held over until a new fiscal year budget is passed.

KITTERY PUBLIC WORKS DEPARTMENT

200 Rogers Road
Kittery, Maine 03904
1 (207) 439-0333
(Shared Fax Line 207-439-0333)

Solid Waste 439-1477
Shop 439-9037

To: Kittery Planning Board

From: Richard E. Rossiter, Commissioner of Public Works

Subject: Operation Blessing 3-lot Subdivision

Date: March 7, 2008

The watershed of this development is shown to outfall at Spruce Point. The culverts crossing Haley Road in this location have been increased in capacity in the past, however due to their shallowness crossing or depth of cover the installed capacity is not for increases in quantities or velocities of water flow. A storm water evaluation and management plan to detain or slow release water should be considered.

Civil Consultants, October 24, 2007, page 2 of 8 indicates that 375 feet of new road will be constructed to meet the Kittery minor street standard. This Office recommends that it be built to the same standard as High Pointe Estates including sidewalk, etc. Although still private, High Point Estates was reviewed and developed with the intent of becoming a public road. Looking at C2A it appears that if Operation Blessing is not going to connect to Kittree lane or to the Fuller Brook development, there does appear to be a possible circle connection to Toothacre Lane.

cc: Jon Carter, Town Manager
Sandra Mowery, Town Planner
Carl Beal

**CIVIL
CONSULTANTS**

*DeWitt
Planners
2007
P.O. Box 100
295 Main Street
South Berwick
Maine
03908*

DHRR 17 2007-384,2550

March 12, 2008

Mr. Rick Rossiter
Public Works Director
Town of Kittery
25 Walker Street
Kittery, ME 03904

RE: Operation Blessing Subdivision, Highpoint Circle

Dear Mr. Rossiter:

Enclosed please find information pertaining to the above referenced project. On behalf of Operation Blessing COB) CIVIL CONSULTANTS is submitting a final application to the Town of Kittery for a 3-10 residential subdivision. Pursuant to 16.36.060 of the Kittery Code, we request that you revise your letter of evaluation dated March 7, 2008.

Our design of the proposed road will have a 375-foot long, 20-foot wide paved minor street continue off of Highpoint Circle to a proposed turn-around. This meets the new minor street standard. We suggest that three additional lots do not warrant the extension of the Secondary Collector road standard that Highpoint Circle was built to. Wider pavement, curb and sidewalk are not needed for three lots. **If and when a larger development is proposed by OB in the future, then sidewalk and curb can be added at that time. The OB road is to remain private and will not be maintained or plowed by the Town.**

In response to your comment on storm water, a study was submitted with our application in 2007. That study concludes that the peak rate of runoff from this project will decrease in Hill Creek. Therefore, the new culverts installed in Haley Road will not see any increase associated with the OB project.

Please provide us with a revised letter of your evaluation of this project. Should you have any questions, comments, or need revisions, please call.

Sincerely,
CIVIL CONSULTANTS (



Carl V. Beal, P.E.
Senior Project Engineer
cc: Kittery Planning Office

E:\aaa\2000-004100\1\20080312Rossiterrev.doc

KITTERY PUBLIC WORKS DEPARTMENT

200 Rogers Road
Kittery, Maine 03904
1 (207) 439-0333
(Shared Fax Line 207-439-0333)

Solid Waste 439-1477
Shop 439-9037

To: Carl Beal, Senior Project Engineer-Civil Consultants

From: Richard E. Rossiter, Commissioner of Public Works

Subject: Operation Blessing Subdivision, Highpointe Circle

Date: March 18, 2008

I am in receipt of your March 12, 2008 letter and plans. A request has been made to reduce the roads standards from secondary collector to minor street specifications.

Each individual road specification seeking a Planning Board approval as either being reduced or eliminated should be listed on the plan as a waiver request. This should include road length greater than 1500' feet; minimum centerline curve radius less than 300' feet; granite curb concrete sidewalk and extra width provision to 60' feet as a match to Highpointe Estates; cul-de-sac omission in exchange for a tum tee; second access; and the gravel shoulder does not meet the 5' foot minor street standard.

Also should the tum tee be shown on all plans, pages 1 and c 1?

cc: Kittery Planning Board
Sandra Mowery, Town Planner
Jonathan Carter, Town Manager

Article V. Acceptance of Streets and Ways

16.8.5.1 Conditions.

A street or way constructed on private lands by the owner(s) thereof and not dedicated for public travel, prior to the enactment of this Code, must be laid out and accepted as a public street or way by the Town Council only upon the following conditions:

1. The owners must give the Town a deed to the property within the boundaries of the street at the time of acceptance by the Town.
2. A plan of said street or way must be recorded in the York County registry of deeds at the time of its acceptance.
3. A petition for laying out and acceptance of said street or way must be submitted to the Town Council upon a form prescribed by the Commissioner of Public Works. Said petition must be accompanied by a plan, profile and cross-Section of said street as follows:
 - a. A plan drawn when practical to a scale of forty (40) feet to one inch, and to be on one or more sheets of paper not exceeding twenty-four (24) by thirty-six (36) inches in size. Said plan must show the north point; the location and ownership of all adjoining lots of land; rights-of-way and easements; streetlights and electric lines; boundary monuments, waterways, topography and natural drainage courses with contour at not greater than two-foot intervals; all angles, bearings and radii necessary for the plotting of said street and lots and their reproduction on the ground; the distance to the nearest established street or way, together with the stations of their side lines;
 - b. A profile of said street or way drawn to a horizontal scale of forty (40) feet to one inch and a vertical scale of four feet to one inch. Said profile must show the profile of the side lines and centerline of said street or way and the proposed grades thereof. Any buildings abutting the street or way must be shown on said profile;
 - c. A cross-Section of said street or way drawn to a horizontal scale of five feet to one inch and a vertical scale of one foot to one inch;
 - d. The location and size of water and sewer mains and surface water drainage systems as installed.
4. Such street or way must have been previously constructed in accordance with the standards and criteria established in Article IV of this chapter.

16.8.5.2 Acceptance of Streets and Ways Required in the Public Interest.

Notwithstanding the provisions of any other Section hereof, the Town may at any time lay out and accept any street or way in the Town as a public street or way of said Town whenever the general public interest so requires. The cost of said street or way may be borne by the Town.

16.8.5.3 Easements.

The Board may require easements for sewerage, other utilities, drainage and stream protection. In general, easements may not be less than twenty (20) feet in width. Wider easements may be required.

16.8.5.4 No Street or Way to be Accepted Until After Report.

No street or way may be laid out and accepted by the Town Council until the Planning Board and the public works commissioner have made a careful investigation thereof, and reported to the Town Council their recommendations in writing with respect thereto.

Article VI. Water Supply

16.8.6.1 Service Required.

A. A public water supply system with fire hydrants must be installed, and approved in writing by the servicing water department.

B. If, in the opinion of the Board, service to each lot by a public water system is not feasible, the Board may allow individual wells or a central water supply system approved in writing by a civil engineer, registered in the state of Maine.

C. If the developer proposes a central water supply system, it must also be approved in writing by the Maine Department of Human Services.

D. Water supply system installations are at the expense of the developer.

E. All required approvals of a water supply system must be secured before official submission of the final plan.

16.8.6.2 Quality and Pressure.

The developer must demonstrate by actual test or by a signed affidavit from an authorized representative of the servicing water company that water meeting "Maine Rules Relating to Drinking Water (10-144 A.C.M.R. 231)," can be supplied to the development at the rate of at least three hundred fifty (350) gallons per day per dwelling unit and at an adequate pressure for fire fighting purposes.

16.8.6.3 Storage.

Storage must be provided as necessary to meet peak domestic demands and fire protection needs.

16.8.6.4 Adequacy.

The developer must demonstrate in the form of signed affidavits from the servicing water company or by engineering reports prepared by a civil engineer registered in the state of Maine, that the proposed development will not result in an undue burden on the source, treatment facilities or distribution system involved, or provide adequate assurance that such source, treatment facilities or distribution system will be modified to meet the expanded needs. The cost of such improvements is to be borne by the developer.

16.8.6.5 Water Main Size.

The minimum water main size permitted is to be as required by the Kittery water district installed at the expense of the developer.

Notification: 10300260612

Work Order: 801000109538

CENTRAL MAINE POWER COMPANY
APPLICATION FOR POLE LOCATION OR UNDERGROUND LOCATION

In the City/Town of: Kittery, MaineTo the: ☐ City☒ Town☒ County of: York, Maine☒ Central Maine Power hereby applies for permission to:☐ Construct and maintain poles together with attached facilities and appurtenances upon, along or across certain streets and highways in said City/Town as described below.☒ Construct and maintain buried cables, conduits, manholes and handholes, together with wire and cables, transformers, outouts, and other equipment therein, under, along, and across certain streets and highways in said City/Town as described below.☒ Central Maine Power Company andFairpoint NH

jointly apply for permission to construct and maintain poles together with attached facilities and appurtenances upon, along or across certain streets and highways in said City/Town as described below.

1. Starting Point: 43.4Box

2. Road (State & CMP):

ROSE BERRY LANERosenberry Rd/Dennett Road3. Direction: Northerly4. Distance: 145'

feet

5. Number of Poles: 143.5 Box☐ Overhead wires shall have a minimum clearance of 18 feet over the public highway and be constructed to conform with the requirements of the National Electric Safety Code.☒ Buried cable facilities shall be placed at a minimum depth of 36 inches under pavement and 30 inches elsewhere and be constructed to conform with the requirements of the National Electric Safety Code.

Any person, firm, or corporation to be adversely affected by this proposed location shall file a written objection with the State Department of Transportation, City, Town or County stating the cause of said objection within fourteen (14) days after the publication of this notice or ninety (90) days after installation of facilities without publication.

☐ Public Notice of this application has been given by publishing the text of the same☒ Not PublishedIn: On:

CENTRAL MAINE POWER COMPANY

By: Elaine TilheringtonDate: 09/16/2016By: Jane MillerDate: 9/19/16629-2542DLR
OR 10/7/16

Line Clerk NEW Service
@ Comp Co. com

Notification: 10300260512

Work Order: 801000109538

LOCATION PERMIT

Upon the Application of Center Maine Power Company and

Fairpoint NH

dated 09/16/2016

, asking for permission, in accordance with law, to construct and

maintain poles, buried cables, conduits, and transformers, together with attached facilities and appurtenances

over, under, along or across certain highways and public roads in the location described in said application,

permission is hereby given to construct, reconstruct, maintain and relocate in substantially the same location,

said facilities and appurtenances in the City / Town of

Kittery

approximately located as follows:

1. Starting Point: 43.4

2. Road (State & CMP): Rosenberry Rd/Dennett Road

3. Direction: Northerly

4. Distance: 145' feet

5. Number of Poles:

1

Facilities shall consist of wood poles and appurtenances with a minimum of wire and cable not less than 18 feet over the public highway and/or buried cables or conduit and appurtenances placed a minimum depth of 36 inches under pavement and 30 inches elsewhere, all in a manner conforming to the National Electric Safety Code.

By: _____

By: _____

By: _____

By: _____

By: _____

Municipal Officers

Office of the _____

Received and Recorded in Book _____, Page _____

Attest: _____

Clerk

CENTRAL MAINE POWER COMPANY

Work Order: 801000109538

SKETCH TO ACCOMPANY APPLICATION FOR POLE OR UNDERGROUND LOCATIONS

Page of

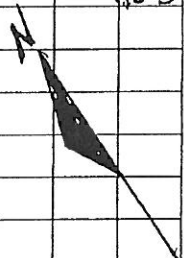


City / Town: Kittery

Date: 09/16/2016

Street: Rosenberg Rd/Dennett Road

By: Elaine Titherington

Facilities to consist of wood poles and appurtenances with a minimum clearance of wire and cables not less than 21 feet over the public highway, and/or underground facilities to consist of buried cables, conduits, transformers and manholes for operation at 7200 volts to ground single phase. Construction to be suitable for future operation at a voltage not to exceed 22KV to ground single phase. Right-of-way limits indicated are based on the best field information available. Poles/ Pads are staked. For further information call: Elaine Titherington at Central Maine Power Company tel: 207-629-2542 . Pole/Pad spans shown are approximate.

Feet Behind Curb	Feet Behind Guard Rail	Feet to C/L Traveled Way	Pole / Pad #
New Padmount 43.5			
			
			
CMP Dennett Rd / Town Rosenberg Rd			
			
145'			

Pole / Pad #	Feet Behind Curb	Feet Behind Guard Rail	Feet to C/L Traveled Way
Existing Padmount 43.4			

PETITION AND POLE LICENSE
PETITION

fel

Manchester, New Hampshire
To the Councilmen of Kittery, Maine.

Date: July 22, 2016 and September 6, 2016

NORTHERN NEW ENGLAND TELEPHONE OPERATIONS LLC d/b/a FairPoint Communications-NNE and CENTRAL MAINE POWER COMPANY desire a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures along, across and under the following highways in said municipality:

The licensing of 1 replacement pole and 2 existing poles (1753/4, 1743/2 and replacement pole 1753/3) located on Gray Lodge Road, in the Town of Kittery, Maine, as per attached.

NORTHERN NEW ENGLAND
TELEPHONE OPERATIONS LLC

CENTRAL MAINE POWER

By *Jane Mella*
Right-of-Way Department

LICENSE

By *Ann L. Crocker*

Upon petition of the NORTHERN NEW ENGLAND TELEPHONE OPERATIONS LLC and CENTRAL MAINE POWER COMPANY, it appearing that the public good so requires, it is hereby

ORDERED

Date: _____

That NORTHERN NEW ENGLAND TELEPHONE OPERATIONS LLC and CENTRAL MAINE POWER COMPANY be and hereby are granted a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures, in the highways covered by said petition. All of said wires except such as are vertically attached to poles and structures shall be placed in accordance with the National Safety Code in effect at the time of petition and/or license is granted.

The approximate location of the poles and structures shall be shown on plan marked NORTHERN NEW ENGLAND TELEPHONE OPERATIONS, LLC and CENTRAL MAINE POWER COMPANY No., dated July 22, 2016, attached to and made a part thereof.

Town Council

Town Council

Town Council

Town Council

Town Council

Town Council

Town Council

By vote of Town Council
of the Town of Kittery, Maine
Received and entered in the records of the Town of Kittery, Maine,

Book _____, Page _____.

Attest _____
Town Clerk

Date _____

FairPoint License Form

FairPoint No: 299851 Municipality: Kittery Exchange Code: 9176

Engineer Name: Jennifer Foley Engineer Number: 603-433-2090 Date: 7/22/2016

License Detail: License needed for 1 pole

N

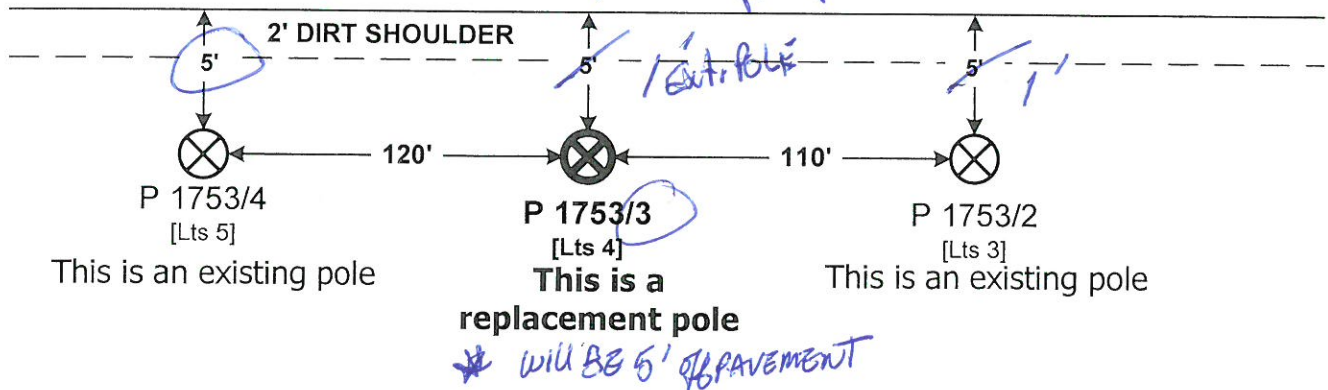


2' DIRT SHOULDER

Gray Lodge Rd
Tel RT 1753

(Municipal Road)

** Needs to be installed 5' off pavement PER Elaine T. Herrington they will put the pole at 5' off pavement 10/7/16*



ALL PLANT IS LOCATED WITHIN HIGHWAY LIMITS

ELCO: CMP

[] = ELCO POLE NUMBER

DOT NO. _____

Memo #: 16-MEI-71

[X] = PEDESTAL POST LOCATION

INITIAL PROPOSED FACILITIES TO BE:

[WS] = WARNING SIGN LOCATION

CHECKED BY _____

POWER CO. = 7200 VOLTS Single PHASE.

[MH] = MANHOLE LOCATION

TEL CO. = COPPER AND FIBER CABLE

— = BURIED CABLE/CONDUIT LOCATION

THIS DRAWING IS NOT TO SCALE

Page 1 of 1

DPR OR REFER TO NOTES

10/7/16 NEW POLE HAS NOT BEEN PLACED

PETITION AND POLE LICENSE
PETITION

fel

Manchester, New Hampshire
To the Councilmen of Kittery, Maine.

Date: July 22, 2016 and September 6, 2016

NORTHERN NEW ENGLAND TELEPHONE OPERATIONS LLC d/b/a FairPoint Communications-NNE and CENTRAL MAINE POWER COMPANY desire a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures along, across and under the following highways in said municipality:

The licensing of 1 new pole and 2 existing poles (227/3 and 227/4) existing and (227/3.5) new on Picott Road, in the Town of Kittery, Maine, as per attached.

NORTHERN NEW ENGLAND

CENTRAL MAINE POWER

TELEPHONE OPERATIONS LLC

By

[Signature]
Right-of-Way Department

By

[Signature]

LICENSE

Upon petition of the NORTHERN NEW ENGLAND TELEPHONE OPERATIONS LLC and CENTRAL MAINE POWER COMPANY, it appearing that the public good so requires, it is hereby

ORDERED

Date: _____

That NORTHERN NEW ENGLAND TELEPHONE OPERATIONS LLC and CENTRAL MAINE POWER COMPANY be and hereby are granted a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures, in the highways covered by said petition. All of said wires except such as are vertically attached to poles and structures shall be placed in accordance with the National Safety Code in effect at the time of petition and/or license is granted.

The approximate location of the poles and structures shall be shown on plan marked NORTHERN NEW ENGLAND TELEPHONE OPERATIONS, LLC and CENTRAL MAINE POWER COMPANY No., dated July 22, 2016, attached to and made a part thereof.

Town Council

Town Council

Town Council

Town Council

Town Council

Town Council

Town Council

By vote of Town Council
of the Town of Kittery, Maine
Received and entered in the records of the Town of Kittery, Maine,

Book _____, Page _____.

Attest _____
Town Clerk

Date _____

FairPoint No: 298329 Municipality: Kittery Exchange Code: 9176

Engineer Name: Jennifer Foley Engineer Number: 603-433-2090 Date: 7/22/2016

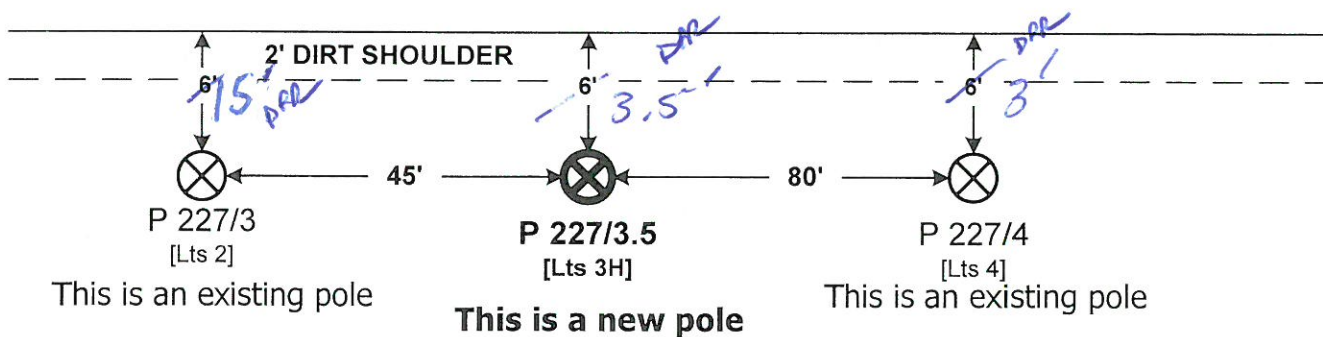
License Detail: License needed for 1 pole



2' DIRT SHOULDER

**Picott Rd
Tel RT 277**

(Municipal Road)



ALL PLANT IS LOCATED WITHIN HIGHWAY LIMITS

ELCO: CMP

[] = ELCO POLE NUMBER

DOT NO. _____

Memo #: 16-MEI-69552

 = PEDESTAL POST LOCATION

INITIAL PROPOSED FACILITIES TO BE:

 = WARNING SIGN LOCATION

CHECKED BY _____

POWER CO. = 7200 VOLTS Single PHASE.

 = MANHOLE LOCATION

TEL CO. = COPPER AND FIBER CABLE

 = BURIED CABLE/CONDUIT LOCATION

THIS DRAWING IS NOT TO SCALE

Page 1 of 1

Handwritten: cu DPR 10/7/16



TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 475-1328 Fax: (207) 439-6806

RECEIVED
OCT 06 2016

BY: DC 1:15pm

PLEASE CHECK APPROPRIATE SQUARE:

- ☒ APPLICATION FOR RE-APPOINTMENT TO TOWN BOARDS
- ☐ APPLICATION FOR APPOINTMENT FROM ALTERNATE TO FULL MEMBER
- ☐ APPLICATION FOR APPOINTMENT FROM FULL MEMBER TO ALTERNATE

NAME: A. DAVID MANN

RESIDENCE: 160 BRAVE BOAT HARBOR RD

MAILING ADDRESS IF DIFFERENT FROM ABOVE: PO Box 26 K.P.T.

E-MAIL ADDRESS: cdavidmann1962@gmail.com

TELEPHONE NUMBERS: (HOME) 337-3073 (WORK) Same

PRESENT POSITION: Chairman

PLEASE CHECK APPROPRIATE SQUARE:

- | | | |
|---|---|--|
| <input type="checkbox"/> Board of Appeals | <input type="checkbox"/> Port Authority | <input checked="" type="checkbox"/> Mary Safford Wildes Trust |
| <input type="checkbox"/> Conservation Commission | <input type="checkbox"/> Planning Board | <input type="checkbox"/> Shellfish Conservation Comm. |
| <input type="checkbox"/> Board of Assessment Review | <input type="checkbox"/> Parks Commission | <input type="checkbox"/> Open Space Committee |
| <input type="checkbox"/> Cable TV Rate Regulation Board | <input type="checkbox"/> Personnel Board | <input type="checkbox"/> Recycling Scholarship Selection Committee |
| <input type="checkbox"/> Other _____ | | |

COMMENTS: Been a great pleasure serving on this little
committee for close to 30 yrs now

Please read the back of this application before signing.

A. David Mann
SIGNATURE OF APPLICANT

10/5/16
DATE



Professional design, installation and service of solar energy systems

Town of Kittery
200 Rogers Road
Kittery, ME 03904

OCT 15 2016
BY: _____

Dear Marryann Place,

ReVision Energy is requesting permission to put lawn signs on public property in the town of Kittery. Each sign is 18" x 24", and will be placed on road medians, and in other public spaces. These signs are meant to promote the Solarize Seacoast Maine Campaign that runs from August 2016 through December 2016. The text on the sign encourages residents to "Join Your Solar Community", and includes the ReVision Energy logo, and the program's website. ReVision Energy employees will remove each sign throughout the town at the end of December.

The Solarize Seacoast Maine campaign is a group purchasing program for solar energy systems in Kittery, Eliot, York and South Berwick. Residents of these towns will be able to purchase solar at a discounted rate, depending on how many people participate. I am happy to answer any questions about the Solarize program and the signs we will be putting up around town.

Thank you,

Jennifer Hatch

91 West Main Street
Liberty, ME 04949

(207) 589-4171

142 Presumpscot Street
Portland, ME 04103

(207) 221-6342

14 Dixon Ave
Concord, NH 03301

(603) 415-0151

7 Commercial Drive
Brentwood, NH 03833

(603) 679-1777

**REPORT to the KITTERY TOWN COUNCIL & PORT AUTHORITY
2011 MEMORANDUM OF UNDERSTANDING**

RESPONSIBLE INDIVIDUAL: Beers

Date: October 24, 2016

Sponsor: Same

SUBJECT: Town – Port Authority MoU 2011

BACKGROUND:

- KPA Draft Agreement (author does not have signed copy) (*encl 1*)
- KPA Chair e-mail, Oct 10, 2016, Request to council from Oct 6th KPA Meeting (*encl 2*)

CURRENT SITUATION:

- The Town has discharged all its obligations in accordance with the agreement.
- The KPA has worked toward fulfilling its obligations, however this much time later it now appears that it was unreasonable to expect the operation could achieve the goal of enterprise account status.
 - Such would require sufficient revenue to cover the historical operating budget, and add costs for Town rent, administrative and other services, and its capital improvement program requirements (estimated at \$250K/year).
 - The CIP port-harbor improvements addressed in the MOU have been / are being “repaid” from their approved portion of the Town’s CIP.
 - The KPA 2014 Business Plan (available, not provided) anticipated such revenue from the BIG transient boating facility and other improvements which now appears unrealizable.
- With the in-work proposal to execute an Intergovernmental Municipal Agreement between the Town and the KPA, a number of plaguing issues regarding roles and responsibilities could be resolved.
 - Including statutory/charter obligations for Harbormaster employment; operating budget and capital improvement program obligations; and, a KPA revenue provision to raise an amount equal to or greater than the annual operating budget.

RECOMMENDATION: Consider rescission of Agreement.

ENCLOSURE

1. Draft MoU 07/03/11 – *Unsigned*
2. KPA Chairmen e-mail request

REPORT to the KITTERY TOWN COUNCIL & PORT AUTHORITY
2011 MEMORANDUM OF UNDERSTANDING

ENCLOSURE 1 – 2011 MoU - UNSIGNED

MEMORANDUM of UNDERSTANDING

BETWEEN the TOWN of KITTERY and the KITTERY PORT AUTHORITY
for MAINTENANCE, REPAIR and IMPROVEMENT

of MUNICIPALLY-OWNED WHARVES, DOCKS, PIERS and LANDINGS

This Memorandum of Understanding ("MOU" or "agreement"), made and entered into this _____ day of _____, 2011, by and between the Kittery Port Authority ("KPA"), acting by and through its Board, and the Town of Kittery, Maine ("Kittery"), acting by and through the Town Council.

WITNESSETH

WHEREAS, the Kittery Port Authority, a quasi-municipal entity established by Maine Private and Special Law 1961, as amended, is charged to be custodian of municipally-owned wharves, docks, piers and landings, and the Town of Kittery, a body politic and corporate has, exercises, and enjoys all the rights, immunities, powers, privileges and franchises, subject to all the duties, liabilities and obligations provided for in its Town Charter, enacted in Private and Special Law, Chapter 66 of 1967, as amended, are authorized to enter into agreements for the purpose of maintenance, repairs, and improvements of municipally-owned wharves, docks, piers and landings; and,

WHEREAS, Kittery is the covenant-deeded owner of the structure known as Frisbee's Wharf and that known as Fisherman's Pier, located in the harbor at Pepperrell Cove with all right, title and interest in the land and certain easements upon which they are situated; and

WHEREAS, KPA is desirous of major capital improvement program funding by Kittery for improvements to the Wharf and the Pier in the interests of serving local fishermen and recreational boaters; and

WHEREAS, Town Charter §6.11(2) allows the making of contracts or leases providing for payments beyond the end of the fiscal year, provided that such action was made or approved by ordinance; and

WHEREAS, Kittery deems it to be in the public interest to enter into an agreement with KPA whereby KPA would receive funding support from Kittery for said improvements contingent upon certain prerequisites and guarantees provided by KPA; and

WHEREAS, Kittery also deems it to be in the public interest to enter into an agreement with KPA whereby such improvements provided benefits the public safety and welfare;

NOW, THEREFORE, in consideration of these premises and mutual benefits to be derived by the parties hereto, **IT IS AGREED** as follows:

ARTICLE I – PREREQUISITES

Prior to Kittery enacting an ordinance authorizing a lease-purchase agreement for the funds necessary for this project, KPA must:

- A) Have Federal and State approval of the BIG project shift to the Fisherman's pier and resolution of the 20-year Ship obligation for that pier in writing;
- B) Show that it is prepared to apply to Maine Department of Marine Resources (Contractor – Coastal Enterprises Incorporated) for Working Waterfront Access Pilot Program funding 2011 second round no later than November 1st; and

REPORT to the KITTERY TOWN COUNCIL & PORT AUTHORITY
2011 MEMORANDUM OF UNDERSTANDING

C) Through its State Planning Grant, ensure that plans for a new Frisbee Wharf will be "Shovel Ready" for bid by summer's end in 2011.

ARTICLE II – FUNDING

Upon satisfaction by KPA of the prerequisites preceding, Kittery will:

A) Make all necessary arrangements for a five-year municipal lease-purchase agreement at the most favorable terms, conditions, and interest rate realizable within the time period available prior to necessary enactment by ordinance in an amount not to exceed \$353,231.00 to pay for replacement of Frisbee's Wharf prior to construction start in 2011; and

B) Arrange an "Opinion of Counsel" stating that the lease represents a valid binding obligation on the lessee (Kittery) and that the lease is a qualified tax exempt obligation in accordance with Section 265(b)(3)(B)(ii) of the Internal Revenue Code of 1986, as amended and 36 M.R.S. §1760.2 Exemptions; and

C) Fund \$90,000 from its capital holding reserves and annual grant match accounts as the required match to KPA's awarded BIG Grant, when Federal funds are obligated and prior to construction start; and

D) Fund such other maintenance, repair and improvements for municipally-owned wharves, docks, piers and landings, and the KPA annual operating budget, through the usual annual capital program and municipal budget development and approval process; and

E) Agree to provide a deed restriction covenant to the State of Maine on the property that it remain in perpetuity "wholly for public use".

ARTICLE III – PROJECT MANAGEMENT

Kittery and the KPA appoint the Town Manager and Harbormaster as the joint project management team for the Frisbee's Wharf and BIG projects, reporting to their respective governing bodies.

ARTICLE IV – REIMBURSEMENT

A) KPA agrees that:

1. Appropriate user fees for launch, fuel, pumpout, waste disposal, or any other KPA provided services, in addition to their current customary fees, must be established;

2. Annual KPA revenue in excess of approved budgetary expense is to be dedicated to reimbursement of Kittery's capital program account; and,

3. Capital campaign and other outside funding (e.g. WWAPP, TIF) will be sought by the KPA with any funds received to be used for the Frisbee Wharf project before local funds; and

B) Port and harbor program development efforts will be conducted during the period of this agreement with the objective of the KPA operation achieving self-funded enterprise account status.

IN WITNESS WHEREOF, the parties hereto have executed this MOU as of the day and year first above written.

TOWN OF KITTERY, MAINE

By its Town Council

KITTERY PORT AUTHORITY

By its Board

**REPORT to the KITTELY TOWN COUNCIL & PORT AUTHORITY
2011 MEMORANDUM OF UNDERSTANDING**

111 **RTC ENCLOSURE 2 – KPA CHAIR NOTICE**

112  Gary Beers <gbeers.ktc@gmail.com>

113 **Re:KPA**

114 Gary Beers <gbeers.ktc@gmail.com> Mon, Oct 10, 2016 at 12:25 PM To: Kelly
115 <nowakekp@aol.com>
116 Cc: Jeff Thomson <jeffdthomson@gmail.com>, Ken Lemont <klemont@comcast.net>,
117 RussellWhite
118 <rbwhite@gmail.com>, Judy Spiller <Judy.spiller@comcast.net>, Chartes Denault
119 <chdenault2@gmail.com>, Carol Granfield <cgranfield@kitteryme.org>

120 Dear Madam Chairperson,
121 Thank you for this notification. I will create a Report to Council on the question for your review
122 so that it may be included on Council's October 24th Regular Meeting Agenda.

123 Best Regards
124 [garybeers](#)

125 On Mon, Oct 10, 2016 at 10:58 AM, Kelly <nowakekp@aol.com> wrote:

126
127 Dear Councilor Beers,

128 **At the Thursday October 6 meeting on the Kittery Port Authority the KPA voted to**
129 **request that the town council consider terminating the 2011 Memorandum of**
130 **Understanding between the KPA and the town of Kittery. The vote passed the KPA with a**
131 **vote of 6/0/0. This request is being made because the objectives in the memorandum**
132 **have not been met and most likely will not be able to be obtained.**

133 Thank you,
134 Kelly Philbrook

135 Sent from my iPad

Customer Order Form

222 Merchandise Mart Plaza, Suite 1750
Chicago, IL 60654
Ph: 312.881.2000
Fax: 866.320.1021
Tax ID #: 04-3626476

Contract Number: 065128
Contract Date: 10/17/2016
Sales Rep: Jeremy McDermott
Offer Valid Through: 11/30/2016

Customer Information

Bill to:

Customer: Town of Kittery Maine
Attn: Carol Granfield
Address: 200 Rogers Rd Ext.
Kittery, ME 03904

Ship to:

Customer: Town of Kittery Maine
Attn: Carol Granfield
Address: 200 Rogers Rd Ext.
Kittery, ME 03904

Terms and Conditions

Related Contract: Not Applicable
Contract Start Date: Fourteen (14) calendar days after execution
Contract End Date: Determined upon execution
Term: 3 Years
Coverage: 1 Location(s)

PO Number:
Payment Terms: Net 30
Billing Frequency: Annually
Initial Invoice Due: 30 Days from Execution

MSDS Management	Qty	Year 1	Year 2	Year 3
HQ Account	1	\$3,749.00	\$3,749.00	\$3,749.00
Site Administrators	2	\$0.00	\$0.00	\$0.00
MSDS Management License(s)	6	\$0.00	\$0.00	\$0.00

Services	Qty	Year 1	Year 2	Year 3
Implementation Services	1	\$0.00		
Total:		\$3,749.00	\$3,749.00	\$3,749.00

This Customer Order is governed by the terms and conditions of the MSDSonline Master Subscription Agreement, as posted on www.MSDSonline.com. By signing below, Customer agrees to be bound by such terms and conditions. MSDSonline may deem this Customer Order null and void if executed agreement is not received by MSDSonline by the "Offer Valid Through" date listed above, or if the document is returned with handwritten changes.

Town of Kittery Maine

Signature: _____

Name: _____

Title: _____

Date: _____

MSDSonline

Signature: _____

Name: _____

Title: _____

Date: _____

Base subscription pricing includes:

- 1 annual HQ subscription(s) for the Customer and its employees included within the Coverage of this agreement
- A Primary Account Administrator and 7 Additional Administrator(s). Additional Administrators may be purchased for \$100 USD per Administrator.
- Unlimited MSDS database searches, views and additions to the eBinder.
- Annual allotment of 50 MSDS Requests and 100 MSDS Uploads. Additional MSDS Requests may be purchased in bundles of fifty (50) for \$200 USD; additional MSDS Uploads may be purchased in bundles of (100) for \$200 USD.
- Implementation Services and Customer/Technical Support.

Implementation Service: MSDSonline will provide implementation assistance that includes the following:

- An assigned contact who will escort you through the implementation process.
- Assistance with the configuration of the system in a manner most suitable to your environment.
- Training (phone or Web conference) to any named system administrator (Primary or Additional).
- Help facilitating the deployment of your system across your organization.
- Unlimited access to the Customer Care and Technical Support resources to answer any questions you may have (between the hours of 7am and 7pm CST).

Unless otherwise noted, all fees are in USD, and Year One (1) fees become due within 30 calendar days of the execution of this Customer Order Form. The Base Subscription period will commence on the Contract Start Date, as noted on page one (1) of this agreement; the Contract Start Date will become the subscription "anniversary date". Subsequent yearly fees will be invoiced between 45 and 60 days before each anniversary date, with payments due prior to each anniversary date. Customer may at its discretion pre-pay the full term of the agreement. Sales tax associated to this Order will appear on the invoice, where applicable.



TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1328 Fax: (207) 439-6806

OCT 17 2016

PLEASE CHECK APPROPRIATE SQUARE:

BY: 8:10 AM

- ☒ **APPLICATION FOR RE-APPOINTMENT TO TOWN BOARDS**
- ☐ **APPLICATION FOR APPOINTMENT FROM ALTERNATE TO FULL MEMBER**
- ☐ **APPLICATION FOR APPOINTMENT FROM FULL MEMBER TO ALTERNATE**

NAME: Kristina Demarco

RESIDENCE: 10 Tudor Dr. Kittery

MAILING ADDRESS IF DIFFERENT FROM ABOVE: _____

E-MAIL ADDRESS: Kristina.demarco@yahoo.com

TELEPHONE NUMBERS: (HOME) 207-439-5393 (WORK) 603-502-3095

PRESENT POSITION: Parks Commission member

PLEASE CHECK APPROPRIATE SQUARE:

- | | | |
|---|--|--|
| <input type="checkbox"/> Board of Appeals | <input type="checkbox"/> Port Authority | <input type="checkbox"/> Mary Safford Wildes Trust |
| <input type="checkbox"/> Conservation Commission | <input type="checkbox"/> Planning Board | <input type="checkbox"/> Shellfish Conservation Comm. |
| <input type="checkbox"/> Board of Assessment Review | <input checked="" type="checkbox"/> Parks Commission | <input type="checkbox"/> Open Space Committee |
| <input type="checkbox"/> Cable TV Rate Regulation Board | <input type="checkbox"/> Personnel Board | <input type="checkbox"/> Recycling Scholarship Selection Committee |
| <input type="checkbox"/> Other _____ | | |

COMMENTS: _____

Please read the back of this application before signing.

Kristina Demarco
SIGNATURE OF APPLICANT

10/18/16
DATE



TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 475-1328 Fax: (207) 439-6806

OCT 18 2016

PLEASE CHECK APPROPRIATE SQUARE:

BY: 11:50 am

☒ **APPLICATION FOR RE-APPOINTMENT TO TOWN BOARDS**

☐ **APPLICATION FOR APPOINTMENT FROM ALTERNATE TO FULL MEMBER**

☐ **APPLICATION FOR APPOINTMENT FROM FULL MEMBER TO ALTERNATE**

NAME: Denise Payne

RESIDENCE: PO Box 94 Kittery Point, Me 03905

MAILING ADDRESS IF DIFFERENT FROM ABOVE: _____

E-MAIL ADDRESS: dpayne@chiengineering.com

TELEPHONE NUMBERS: (HOME) 439 2203 (WORK) 603 373 1226

PRESENT POSITION: Parks Commission Member

PLEASE CHECK APPROPRIATE SQUARE:

- | | | |
|---|--|--|
| <input type="checkbox"/> Board of Appeals | <input type="checkbox"/> Port Authority | <input type="checkbox"/> Mary Safford Wildes Trust |
| <input type="checkbox"/> Conservation Commission | <input type="checkbox"/> Planning Board | <input type="checkbox"/> Shellfish Conservation Comm. |
| <input type="checkbox"/> Board of Assessment Review | <input checked="" type="checkbox"/> Parks Commission | <input type="checkbox"/> Open Space Committee |
| <input type="checkbox"/> Cable TV Rate Regulation Board | <input type="checkbox"/> Personnel Board | <input type="checkbox"/> Recycling Scholarship Selection Committee |
| <input type="checkbox"/> Other _____ | | |

COMMENTS: I have enjoyed serving on the Parks Commission and I would like to continue. Thank you!

Please read the back of this application before signing.

DM Payne
SIGNATURE OF APPLICANT

10-18-16
DATE



TOWN OF KITTERY
Office of the Town Manager
200 Rogers Road, Kittery, ME 03904
Telephone: 207-475-1329 Fax: 207-439-6806
cgranfield@kitteryme.org

Carol M. Granfield
Town Manager

INTEROFFICE MEMORANDUM

TO: TOWN COUNCIL
FROM: CAROL M. GRANFIELD, INTERIM TOWN MANAGER
SUBJECT: 2015 SEWER PROJECT EASEMENTS - CREDIT
DATE: OCTOBER 18, 2016
CC:

Information is attached pertaining to easements associated with the 2015 Sewer Project as requested.

- Dennett property
- Gerasin property
- Seward property



6000-11201
617

TOWN OF KITTERY, MAINE

SEWER DEPARTMENT

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 439-4646 Fax: (207) 439-2799

✓ KMR

10/21/2014

Ms. Mary Dennett
Mr. John Dennett
182 Whipple Rd
Kittery ME 03904

Dear Mary

After further review and consideration of other land owners negotiations, I am proposing to waive your connection fee to the sewer on 3 connection points, one on Martin Rd and the other on the Dennett Rd Property. The waiver is in consideration of your willingness to grant an easement to the Town for a sewer line and pumping station, on your property on Martin Rd.

Each connection fee is \$2000.00, for 3 connection fees would be \$6000.00. With 1 fixture count of \$400.00, for a total of \$6400.00 the total amount mentioned can be credited towards any combination of connection, where applicable.

The Town has offered this for other property owners, who have accepted our offer in exchange for an easement on their property. If you choose to accept the Towns offer, you may respond in a letter or a phone call to myself, at the address or phone number below.

Sincerely Yours


George Kathios

Superintendent of Wastewater Services

Town of Kittery

200 Rogers Rd

Kittery Me 03904

1-207-439-4646



6000-11201
GK (B)

TOWN OF KITTERY, MAINE
SEWER DEPARTMENT
200 Rogers Road, Kittery, ME 03904
Telephone: (207) 439-4646 Fax: (207) 439-2799

11/3/2014

✓ Kmm

Mr. Gerasin
1Route 236
Kittery ME 03904

Dear Mr. Gerasin

After further review and consideration of other land owner's negotiations, I am proposing to waive your connection fee to the sewer on 3 connection points. The waiver is in consideration of your willingness to grant an easement for a right of way and easement for purposes of laying, replacing, substituting and removing sewer pipelines, for the transportation of sewage. Each connection fee is \$2000.00, for 3 connection fees would be \$6000.00. With 1 fixture count of \$400.00, for a total of \$6400.00 the total amount mentioned can be credited towards any combination of connection, where applicable.

The Town has offered this for other property owners, who have accepted our offer in exchange for an easement on their property. If you choose to accept the Towns offer, you may respond in a letter or a phone call to myself, at the address or phone number below.

Sincerely Yours

George Kathios
Superintendent of Wastewater Services
Town of Kittery
200 Rogers Rd
Kittery Me 03904
1-207-439-4646



TOWN OF KITTERY, MAINE

SEWER DEPARTMENT

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 439-4646 Fax: (207) 439-2799

13
11/3/2014

✓ HMR


Mr. Daniel O. Seaward Jr
2 Chauncey Creek Rd
Kittery Point ME 03905-5200

Dear Mr. Seaward

After further review and consideration of other land owner's negotiations, I am proposing to waive your connection fee to the sewer on 2 connection points. The waiver is in consideration of your willingness to grant an easement for a right of way and easement for purposes of laying, replacing, substituting, removing sewer pipelines, installing a pump station, for the transportation of sewage. Each connection fee is \$2000.00, for 2 connection fees would be \$4000.00. With 1 fixture count of \$400.00, for a total of \$4400.00 the total amount mentioned can be credited towards any combination of connection, where applicable. In addition the Town will provide a total of two frontage connection points. Connections and there location can be coordinated with Kleinfelder, during the design phase.

The Town has offered this for other property owners, who have accepted our offer in exchange for an easement on their property. If you choose to accept the Towns offer, you may respond in a letter or a phone call to myself, at the address or phone number below.

Sincerely Yours


George Kathios
Superintendent of Wastewater Services
Town of Kittery
200 Rogers Rd
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10/18/2016

RECEIVED
OCT 18 2016
BY: 3:45 pm

To: Kittery Town Council

Dear Kittery Town Council,

We at the Dance Annex Studio, are requesting permission to post 8 promotional lawn signs (18"x24") at various locations to promote our upcoming ballet production of the Nutcracker at the STAR Theater this coming November 26th and 27th. We would like to start posting them in the beginning of November and take them down following out last performs on Sunday the 27th.

Since this is our first year producing our own Nutcracker, we need to make as many people aware of our shows to help fill the seats and possible make it an annual production for years to come. By allowing us to post you hopefully help us promote this holiday classic that is sure to entertain all who see it.

Thanks in advance and we patiently await your decision.

Sincerely,

Julie Hebb & Donald Goettler

The Dance Annex Studio

506 Blue Star Hwy. Kittery, ME

207-475-4581

thedanceannexstudio@gmail.com